Ontario

Ontario Criminal Injuries Compensation Board 1984/85

Sixteenth Report

86-06089/

THE
SIXTEENTH REPORT

of the

ONTARIO
CRIMINAL INJURIES COMPENSATION
BOARD

administering

THE COMPENSATION FOR VICTIMS OF CRIME ACT, 1971

for
the fiscal year

April 1, 1984 to March 31, 1985

THE BOARD

ALLAN GROSSMAN – to January 20, 1985
Chairman

GERALD M. HARQUAIL – From January 21 – March 31, 1985
Acting Chairman

ANNE STANFIELD
AUDREY MERRETT
Vice-chairmen

W. Lyle Black, M.D.
Gloria J. Burt
Greville Clarke
Linda Clippingdale
John D.V. Hoyles
Robert W. Mitchell, Q.C.
E. Lee Monaco
Harvey Spiegel, Q.C.
Anne Tomljenovic
Uno Viegandt
Members

* * * * * * * * *

V.P. GIUFFRE — Registrar
J.H. SHEARD — Chief of Investigations

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Copies of this report may be obtained from:

Criminal Injuries Compensation Board
17th Floor, 439 University Avenue
Toronto, Ontario M5G 1Y8
Telephone: (416) 965-4755

Ontario

Criminal Injuries
Compensation
Board

416/965-4755

439 University Ave.
17th Floor
Toronto, Ontario
M5G 1Y8

The Honourable Ian Scott, M.P.P.,
Attorney General for Ontario,
Parliament Buildings,
Queen's Park,
Toronto,
Ontario.

Honourable Sir:

I have the honour to submit the sixteenth report of the Criminal Injuries Compensation Board, which covers the period April 1, 1984 to March 31, 1985.

Sincerely,

Margaret Scrivener

Margaret Scrivener (Mrs.),
Chairman.

The Legislation

The legislation under which the Board functions is The Compensation for Victims of Crime Act, which came into force on September 1, 1971 superseding The Law Enforcement Compensation Act, 1967.

The Board is required by the Act to find the commission of a crime of violence (in the principal class of applications coming before it). A basic qualification for the consideration of an award is that there must be adequate and reliable evidence in this regard. In addition, the Board is required to consider all relevant circumstances including the behaviour of the victim at the time of the incident and the co-operation given by the victim to the law enforcement agencies.

Section 6 of the statute prescribes a one-year limitation period for filing an application for compensation, but the Board may extend the time as it considers warranted. During the year, 175 requests for extension of the limitation period were approved compared to 101 in the previous year.

Compensation

The Compensation for Victims of Crime Act presently provides that compensation for victims of crimes of violence may be paid up to the following maximums:

In the case of lump sum payments, up to $15,000, and in the case of periodic payments, up to $500 per month, and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum, which is $7,500.

These maximums were enacted in 1971. Having regard for the inflationary factor in the last 14 years, very serious consideration will be given to a substantial increase in its maximums and the Board respectfully recommends that this matter should be addressed by the Government as soon as possible.

Subrogation

The Board is subrogated to all the rights of any person to whom the payment is made under this Act, to recover damages from the offender by civil proceedings in respect to injury or death. $62,991,00 was recovered during the fiscal year, compared to $38,679.01 in the previous year.

Hearings

The members of the Board, of whom the twelve are on a part-time basis, usually sit in panels of two.

During the fiscal year, hearings, in addition to those held in Toronto, took place in Thunder Bay, Sudbury, Fort Albany, Sault Ste. Marie, Windsor, London and Ottawa. This is done to facilitate applicants, and to generate a better understanding of the work of the Board across the province. In addition, this practice results in reduced costs to the Board.

Documentary Evidence Hearings

Some applications which are relatively minor and simple of adjudication are, with the consent of the applicants, dealt with on documentary evidence alone. A total of 130 were heard in this manner, compared to 74 in the last fiscal year.

This minimizes the need to inconvenience the applicant and/or solicitor and witnesses in so far as travelling to the location of hearings, the attendant loss of work time and expenses involved.

Child Abuse

During this fiscal year the Board received 10 applications in respect of child abuse, heard 13 cases and awarded $69,401.94.

Administration & Productivity

The administrative staff of the Board is composed of the Registrar, Deputy Registrar and Chief of Investigations, three investigators and a secretarial, stenographic and clerical staff of eight.

In this fiscal year, the Board heard 1043 applications and 1086 awards were ordered. The larger number of awards ordered over the applications heard is accounted for by the number of awards made on applications heard in the previous fiscal year.

The total value of awards increased from $3,249,715.56 in 1983/84 to $3,285,883.54 in 1984/85. The periodic payments of $592,510,81 are not included in the average award.

The number of applications received increased from 1488 in 1983/84 to 1697 in this fiscal year.

Public Awareness

Large posters and explanatory pamphlets in five languages are supplied to hospital emergency wards and staff lounges, Court houses and other public buildings, supermarkets, etc.

Police forces throughout the province have been supplied with hundreds of thousands of wallet-sized cards (at right) to be given to victims of crimes of violence advising them how to apply to the Board.

The daily hearing agenda and a selection of typical Board Orders are provided to the news media.

Cost Sharing

Awards made under The Compensation for Victims of Crime Act are cost shared between the Federal Government and the Government of Ontario. The contribution by the Federal Government amounts to the lesser of 50% of the awards (net of any recoveries), or ten cents per capita of the population of the Province. Because of this formula, the Federal contribution has decreased from 50% in 1977/78 to 27% in 1983/84. This share amounted to $881,590.00. The Federal Government does not share administrative costs.

Ontario

ONTARIO CRIMINAL INJURIES COMPENSATION BOARD

Injured innocent victims of violent crimes may be eligible for compensation from the above Board. Reporting to, and co-operating with, the Police, is an important consideration. If you feel you may qualify, contact the Board immediately at (416) 965-4755, or write to 439 University Avenue, 17th Floor, Toronto, Ontario, M5G 1Y8.

(9/8/83)

Ontario

COMMISSION D'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS DE L'ONTARIO

La Commission susmentionnée peut accorder une indemnisation aux victimes innocentes d'actes criminels violents qui ont été blessées. Il est primordial de contacter la police et de collaborer avec elle. Si vous pensez avoir droit à une indemnisation, veuillez contacter immédiatement la Commission, en téléphonant au (416) 965-4755, ou en écrivant à l'adresse suivante: 439, avenue University, 17e étage, Toronto, Ontario M5G 1Y8.

(9/8/83)

Applications By Area

Acton	1
Ajax	5
Amherstburg	1
Ariss	1
Armstrong	1
Arnprior	1
Arnstein	1
Aurora	3
Azilda	1
Baillieboro	1
Barrie	8
Barry's Bay	1
Bath	7
Belle River	1
Belleville	5
Big Trout Lake	1
Blackburn Hamlet	1
Blenheim	4
Bramalea	3
Brampton	13
Brantford	20
Britt	1
Brockville	2
Brooklin	1
Bruce Mines	1
Burkes Falls	1
Burlington	6
Caledonia	1
Cambridge	6
Campbellford	3
Castor Centre	1
Cayuga	1
Cedar Point	1
Charleston Lake	1
Chatham	12
Chelmsford	1
Cheltenham	1
Chute a Blondeau	1
Clendeboye	1
Clifford	1
Cobourg	3
Cochrane	2
Colborne	1
Colchester Twp.	1
Collingwood	5
Collins Bay	1
Coniston	1
Consecon	1
Cookstown	1
Cornwall	9
Courtland	1
Coventry	1
Crystal Beach	1
Deseronto	1
Devlin	1
Dresden	3
Dundas	2
Dunnville	3
Dunvegan	1
Elliot Lake	2
Elmstead	1
Elora	1
Emerville	2
Epsom	1
Erin	1
Espanola	1
Essex	2
Exeter	1

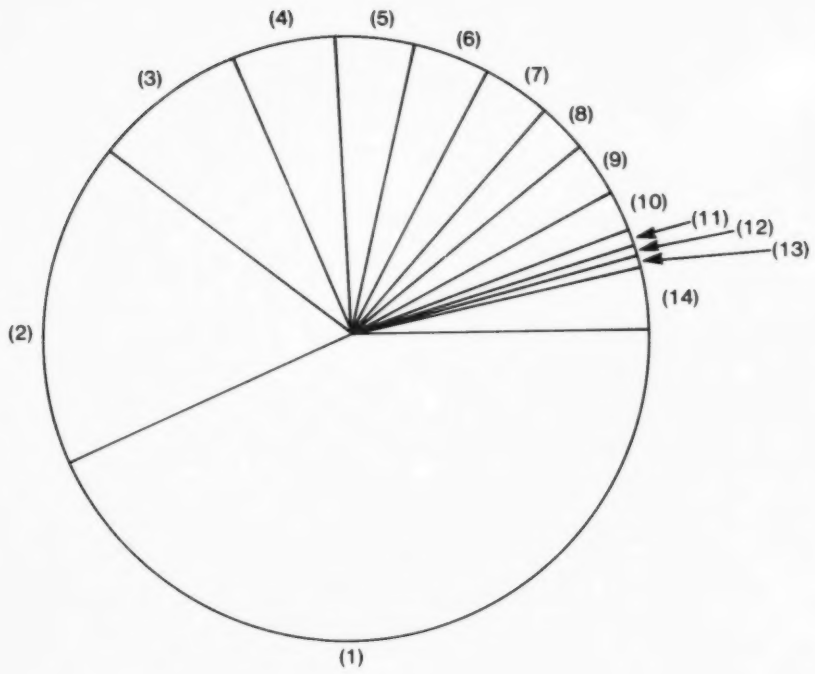
Applications By Area (cont'd)

Fenelon Falls	1
Fergus	1
Finch	1
Fort Albany	14
Fort Erie	3
Fort Frances	1
Fowlers Corners	1
Fruitland	2
Gananoque	3
Garson	1
Gladbrook	1
Gloucester	3
Goderich	3
Gormley	1
Grand Bend	1
Grande Pointe	1
Grassways	1
Grassy Narrows	1
Gravenhurst	1
Grimsby	0
Guelph	13
Gull Bay	1
Hagar	1
Haileybury	1
Haileybury Beach	1
Haliburton	1
Hamilton	88
Havelock	1
Heron Bay	1
Hwy 6	1
Huntsville	2
Hyman Twp	1
Ilderton	1
Kapuskasing	1
Keewatin	1
Kenora	2
Kenyon Twp	1
Kincardine	2
Kingston	32
Kirkland Lake	1
Kitchener	24
Komoko	1
Leamington	3
Listowel	1
Lobo Twp	1
London	59
Lowbanks	1
Mactier	1
Madoc	1
Malton	1
Manitouwadge	1
Markham	7
Morson	1
Massey	2
Matheson	1
Mattawa	1
Meaford	2
Midland	3
Millbrook	3
Millhaven	3
Milton	2
Mimico	2
Minaki	2
Minden	3
Mississauga	35
Mitchell	1
Mitchell's Bay	1
Mt. Albert	1
Muncey	1
Napanee	6
Naughton	1
Nepean	4
New Credit Reserve	1
Newington	1
New Liskeard	1
Newmarket	2
New Osnaburgh	1
Niagara Falls	18
Niagara-on-the-Lake	3
North Bay	4
North Gower	1
Oakville	8
Ohsweken	2
Omemee	1
Orillia	5
Orleans	1
Oshawa	25
Ottawa	86
Oxford	1
Painpoonge Twp.	1
Paris	1
Parry Island Reserve	1
Parry Sound	1
Perth	3
Petawawa	2
Peterborough	11
Pickerel Reserve	1
Pickering	10
Picton	2
Port Colborne	4
Port Credit	3
Port Dover	1
Port Hope	1
Port McNicoll	1
Port Rowan	1
Port Stanley	1
Port Sydney	1
Prescott	2
Queensville	1
Rainy River	1
Richmond Hill	2
Ridgetown	1
Ridgeway	1
Rodney	1
St. Catharines	34
St. Clair Beach	1
St. Thomas	3
Sarnia	8
Sault Ste. Marie	16
Seeley's Bay	1
Shabaqua	1
Shannonville	1
Sharbot Lake	1
Simcoe	8
Sioux Lookout	2
Six Nations Reserve	1
Smiths Falls	2
Spenceville	1
Spring Valley	1
Stayner	1
Stevensville	1
Stoney Creek	1
Stratford	5
Streetsville	1
Sudbury	21
Sutton	1
Terrace Bay	2
Thornhill	1
Thorold	4
Thunder Bay	27
Tillsonburg	3
Timmins	1
Toronto	662
Trenton	6
Tuscaron Twp.	1
Unionville	1
Upper Mt. Albian	1
Val Caron	1
Vanier	2
Vaughan Twp.	1
Wallaceburg	5
Wallenstein	1
Walpole Island	1
Wasaga Beach	1
Waterford	1
Waterloo	11
Welland	5
Weston	3
Westport	1
Westvale	1
Wheatley	1
Whitefish	1
Wikwemikong	2
Windsor	72
Wolfe Island	1
Woodstock	2
Woodville	1
York County	1
TOTAL	**1,697**

TYPES OF CRIME AS LISTED ON APPLICATIONS

Assault Causing Bodily Harm	737
Assault	294
Wounding	140
Rape (Sexual assault)	98
Attempted Murder	77
Murder	73
Assault Police	63
Robbery/Violence	48
Resist Arrest	47
Robbery (with Assault)	39
Assault with Deadly Weapon	12
Manslaughter	9
Criminal negligence	9
Indecent Assault	8
Dog Bite	7
Assault with Vehicle	5
Attempted Rape	5
Attempted Robbery	5
Common Nuisance Causing Harm	4
Mischief	3
Arson	2
Illegal Confinement	2
Weapons Dangerous	2
Obstruct Police	2
Dangerous use of Firearms	2
Threatening	1
Kidnapping	1
Explosion (Bomb)	1
Making an Arrest	1
TOTAL	**1,697**

NOTE: "Child Abuse". The above statistics listed under the category under the terminology of the Criminal Code include 10 cases commonly referred to as "Child Abuse."



1)	Assault causing bodily harm	43.4%	8)	Robbery with violence	2.8%
2)	Assault	17.3%	9)	Resist arrest	2.8%
3)	Wounding	8.2%	10)	Robbery with assault	2.2%
4)	Rape (sexual assault)	5.7%	11)	Assault with Deadly weapon	.7%
5)	Attempted murder	4.5%	12)	Criminal Negligence	.5%
6)	Murder	4.3%	13)	Manslaughter	.5%
7)	Assault Police	3.7%	14)	Other	3.4%

NOTE: "Child Abuse." The above statistics listed under the category under the terminology of the Criminal Code include 10 cases commonly referred to as "Child Abuse."

COMPARATIVE SUMMARY

of

APPLICATIONS AND DISPOSITION

BY FISCAL YEARS

APRIL 1, 1981 to MARCH 31, 1985

COMPARATIVE SUMMARY – FISCAL YEARS
APPLICATIONS AND DISPOSITION

	April 1, 1981 to March 31, 1982	April 1, 1982 to March 31, 1983	April 1, 1983 to March 31, 1984	April 1, 1984 to March 31, 1985
Eligible applications received	1250	1329	1488	1697
Applications heard (1)	980	928	925	1041
Applications heard on documentary evidence	107	96	74	132
Applications heard but denied	128	93	59	67
Applications heard – further evidence required	2	0	0	0
Second hearings	0	4	0	2
Review of awards	6	3	6	6
Decisions completed and awards ordered (2)	979	950	970	1086
Files closed	476	174	431	415
Interim awards	6	11	3	5
Supplementary awards	71	84	83	76
Periodic awards	16	17	18	15
Lump sum payments	$2,254,654.16	$2,328,957.11	$2,677,791.38	$2,693,372.73
Periodic payments	525,842.58	554,741.10	571,924.18	592,510.81
Total of awards ordered	2,780,496.74	2,883,698.21	3,249,715.56	3,285,883.54
Average award (3)	2,303.02	2,451.54	2,870.61	2,480.08

NOTE:

(1) Includes Heard on Documentary Evidence, Heard but Award Denied and Heard but Further Evidence Required, but does not include files closed.

(2) Includes Interim, Supplementary and Periodic Awards

(3) Periodic Payments not included when arriving at Average Award

CONSOLIDATED SUMMARY OF AWARDS
APRIL 1, 1984, TO MARCH 31, 1985

MONTHS	NUMBER OF AWARDS	MEDICAL EXPENSES	LOSS OF EARNINGS	PECUNIARY LOSS TO RELATIVES OF DECEASED VICTIMS	PAIN AND SUFFERING	FUNERAL AND BURIAL EXPENSES	OTHER PECUNIARY LOSS	LEGAL FEES	OTHER EXPENSES RECOVERABLE AT COMMON LAW	TOTAL AWARDS
April	64	7,840.76	18,629.39		93,900.00	3,600.00	4,919.56	5,450.00		134,339.71
May	65	8,201.08	11,304.07	2,585.00	89,750.00	5,173.92	8,519.93	5,150.00		130,684.00
June	104	18,387.94	21,476.51		209,350.00	6,813.00	16,812.42	10,950.00		283,789.87
July	58	6,323.40	8,532.68	17,055.70	150,500.00	3,165.00	12,861.30	11,050.00		209,488.08
August	130	13,925.71	26,643.29	1,148.80	227,850.00	6,927.12	13,027.62	11,660.99		301,183.53
September	80	7,366.46	17,849.15		159,800.00	10,251.12	10,693.91	9,650.00		215,610.64
October	83	11,585.12	16,269.87		143,250.00	5,250.00	12,128.78	10,234.00		198,717.77
November	83	6,135.85	18,702.17		166,400.00	5,400.00	8,311.06	8,100.00		213,049.08
December	68	11,431.02	26,722.98	10,000.00	141,850.00	3,600.00	13,225.62	7,775.00		214,604.62
January	118	12,548.91	34,296.89		172,000.00	8,715.00	14,283.35	13,250.00		255,094.15
February	101	16,977.39	21,146.77		142,300.50	8,455.54	11,216.97	9,775.00		209,872.17
March	132	12,972.06	45,847.45	888.00	221,000.00	10,800.00	19,581.60	15,850.00		326,939.11
Grand Total	**1086**	**133,695.70**	**267,421.22**	**31,677.50**	**1,917,950.50**	**78,150.70**	**145,582.12**	**118,894.99**		**2,693,372.73**
		4.96%	9.92%	1.18%	71.22%	2.90%	5.40%	4.42%		100.00%

NOTE:

In addition to the above total of awards ordered, the cumulative of Periodic Payments made amounted to $592,361.71. This included continuing periodic payments ordered in previous years.

EXAMPLES OF DECISIONS

April 1, 1984 to March 31, 1985

THE BOARD ORDER – AN EXPLANATORY NOTE

The awarding of compensation to victims of crime is accomplished through the issuance of a Board Order, or decision, which is the Criminal Injuries Compensation Board's key legal instrument for action.

Under The Compensation for Victims of Crime Act, 1971, which the Board administers, Section 7 enumerates the heads of damages for which compensation may be awarded. The majority of Board Orders fall into this category.

Section 14 of the Act stipulates that in cases of actual financial need, and where there is a probability that compensation will ultimately be awarded, the Board may order interim payments to the applicant.

Section 22 of the Act provides for an order for costs, usually those entailed in making, or providing support to, an application.

Section 25 of the Act, however, is one of the more humane provisions in the Board's statute. Notwithstanding that the Board has already dealt with an application and its decision has been reflected in an Order, where subsequently

(a) new evidence has become available, or
(b) change of circumstances has occurred, or
(c) the Board considers any other matter relevant,

on the application of any of the parties to the proceedings, the Board may vary the terms of the original order on such terms as it thinks fit. Thus, an application, once heard, frequently remains open to review under the circumstances envisaged in this provision.

Section 4 provides for the periodic publication of the Board's decisions, and the reasons therefore, providing a useful guide for applicants and solicitors. As well as being provided to parties to the proceedings, copies of Board Orders are furnished to the media and to a number of institutions. An exception to the latter would be where, for reasons stipulated in the Act, a hearing is held in camera or publication is restricted.

922-011049

The applicant, age 24, a circus tent master, was in a bar in Aylmer, with a friend and was playing pool, when he and his friend were harassed by the alleged offenders who were drunk and rowdy. Although the applicant and his friend tried to avoid a confrontation by returning to their table and sitting quietly, the offenders set upon them both and beat and kicked them.

The applicant received a fractured ankle and two broken teeth. The two teeth had to be removed later along with their roots. He had a cast applied to his ankle which was removed after four days and replaced with a bandage. The applicant was unable to work for four weeks. The offender was convicted of assault causing bodily harm and sentenced to 18 months consecutive. Charges against other alleged offenders were withdrawn.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $80.00; 7(1)(b) pecuniary loss $684.00; 7(1)(d) pain and suffering $2,500.00; 7(1)(f) other pecuniary loss $29.40; solicitor's fee $300.00 and disbursements $413.20. Under section 25, the Board agreed to consider payment for dental work when an estimate was received from the applicant's dentist and the work had been completed. In a supplementary order, the Board awarded further compensation under Section 7(1)(a) dental expenses $2,849.00, for a total award of $6,935.60.

922-010916

The applicant was 27-years-old, employed as a timberman. The applicant and his family were on their way home in their car near Renfrew, Ontario, when a gunshot was fired from an oncoming car at the applicant's vehicle. The bullet struck the applicant's three-and-a-half-year-old son in the head, killing him instantly.

This application is for pain and suffering, loss of income and funeral expenses. Medical and psychiatric evidence on file indicated that as a direct result of the circumstances surrounding this occurrence, the applicant was severely traumatized and suffered severe mental and nervous shock which impaired his subsequent ability to function normally and he has never really come to terms with what happened.

The applicant is still on medication and is seeing his doctor once or twice a week. Since the occurrence, the applicant had only been able to work on and off, however, he is presently fully employed. Due to the fact that the documentation as to the applicant's actual loss of income is somewhat incomplete, the Board makes an arbitrary allowance for the pecuniary loss sustained by the applicant.

The offender was apprehended, charged with criminal negligence causing death and dangerous use of a firearm, found guilty of the latter and sentenced to 90 days in jail. The motive for the shooting has never been established.

The Board noted that this application was filed after the limitation period of one year. An extension was granted. The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses (funeral) $500.00; 7(1)(b) pecuniary loss (loss of income) $6,500.00; 7(1)(d) pain and suffering $6,000.00 and 7(1)(f) other pecuniary loss (loss of income to attend hearing and travel costs) $184.00. In addition, the Board directed that the sum of $55.00 be paid to the applicant's physician for a written psychiatric assessment. In this case there was a total award of $13,239.00.

922-012600

The applicant, a 24-year-old hotel employee, was assaulted while on his way home late at night in New Liskeard. The offender had been a troublemaker in the hotel where the applicant was employed.

On this occasion, the offender, who clearly held a grudge and was high on drugs and alcohol, followed the applicant as he was going home and assaulted him. The applicant was punched a number of times, knocked to the ground and then kicked in the groin. He was unconscious for some period of time but was able to make his way home where he collapsed. He was treated for abrasions and bruising to his face and arms. More serious was an injury to his right testicle which was extremely sore and swollen for approximately one month and kept him off work for two weeks. He has been left with an atrophied right testicle.

The offender was convicted of assault causing bodily harm and fined $100.00.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $124.00 for eyeglasses; 7(1)(b) pecuniary loss $450.00 for his net loss of wages for two weeks lost work; 7(1)(d) pain and suffering $2500.00; 7(1)(f) other pecuniary loss $141.50, for lost income and travel to the hearing, for a total award of $3215.50.

922-011145

The applicant was aged 32 and a self-employed maintenance electrician.

In the early morning hours, the applicant, accompanied by a friend, attended a party to which they had been invited in Etobicoke. The applicant and his friend had been together, drinking earlier in the evening, but this consumption of alcohol was not regarded by the Board as being pertinent. The applicant and his friend had just entered the house in Etobicoke when his friend was attacked by two men. The friend managed to extricate himself from the altercation and forthwith fled, whereupon the two offenders turned on the applicant, striking and tripping him and kicked him about the head, body and limbs while he lay on the floor in a semi-conscious state.

The applicant had a cut on his forehead still evidenced by a scar. There was a tear of two of the four ligaments in the left knee. This necessitated an operation on the knee to sew up these torn ligaments and the applicant was placed in a rigid cast for six weeks. A light cast was necessary, and the applicant was off work for approximately for months. He has never regained his full former mobility of this limb and suffers occasional pain.

The offender pleaded guilty to a charge of assault and was fined $150.00. The charges against the other offender was dropped.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(a) expenses $890.00 which included $856.00 for a hairpiece which was destroyed in the assault, $21.00 for ambulance and $13.00 for crutches; 7(1)(d) pain and suffering $3000.00; 7(1)(f) other pecuniary loss $258.10 which was the applicant's return airfare from Edmonton; solicitor fee $250.00 and disbursements $25.00, for a total award of $4423.10.

922-011794

The applicant was 37-years-old, and was employed as a building manager. At approximately 5:00 a.m., the applicant received a telephone call from someone who said he was a police officer and that there was trouble at a particular Masonic Temple in Toronto where the applicant worked and he was asked to come down.

When the applicant arrived and entered the building, he was grabbed by two masked men, dragged to the building office and forced to open the office safes. They threw gasoline all around the office and doused the applicant with same. After taking the money from the safes and before leaving, they lit a match engulfing the office and the applicant in the ensuing fire. The applicant was able to flee and jumped into the fountain in front of the building.

The applicant was treated for partial thickness burns of the left face, left neck, left hand and psychological trauma. The applicant had a long recovery period and required psychiatric treatment. The two unknown alleged offenders have never been identified. The applicant was off work for 2-1/2 to 3 months.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $141.92 which was the amount of wages not covered by Workers' Compensation; 7(1)(d) pain and suffering $4000.00; solicitor fee $300.00 and disbursements $232.00, for a total award of $4673.92.

The Board was of the opinion that certain medical costs not covered by OHIP should be covered by Workers' Compensation. If these were not, the applicant was apprised of Section 25 of the Act.

922-010796

The applicant in this matter is the daughter-in-law of the victim, who resides in Scotland.

The victim, a 59-year-old private nurse, while visiting Windsor, Ontario, was walking along the street when she was approached from behind by the offender who grabbed her purse. While attempting to hold on, the victim was pulled to the ground and had her arm wrenched. Her pleas for help alerted a group of boys and an adult who gave chase and were able to retrieve the victim's purse and identify the offender. The victim notified the police and the offender was later charged.

The victim attended the hospital, and it was discovered she had sustained a displaced

fracture to the neck of the humerus and a displacement of the greater bone module. Because of the nature of the fracture, a cast was deemed inappropriate. Analgesics and a sling were prescribed. On returning to Scotland, the victim underwent extensive therapy for 14 months and was left with a permanent disability which limited the movement and strength in her shoulder. She is capable of performing light duties. Insufficient documentation was presented to enable the Board to make an award for loss of wages.

The offender, a juvenile, pleaded guilty to robbery with violence.

The Board found the victim compensable under section 5(a) of the Act and awarded compensation in the amount of $4000.00 to be paid to the victim for pain and suffering.

922-012467

This application was brought by the father of the victim, his son, aged 17.

At 7:30 p.m., the victim was walking on the street in Simcoe, when the alleged offender threw a raw egg at him, which struck him in the eye. Part of the broken shell imbedded itself in the eye, penetrating the eye and dislocating the lens and causing damage to the posterior aspect of the eye. This led to loss of vision in the left eye to the extent of 20/200 minus which is practically blindness. He underwent surgery to repair the damage and the lens was removed. Attempts to improve his vision with a contact lens have so far been unsuccessful.

The alleged offender was charged with assault causing bodily harm but found not guilty.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(a) expenses $132.68 for the contact lenses: 7(1)(d) pain and suffering $7000.00 payable to the Accountant of the Supreme Court of Ontario until the victim is 21; 7(1)(f) other pecuniary loss $170.12 for the mother's loss of income and travel expenses to attend the hearing, for a total award of $7302.80.

922-011577

The applicant was a 36-year-old man living in Sudbury and employed as a miner. At about 7:30 in the evening, he and a friend stopped at a hotel where they encountered a fight in progress involving the offender.

As the applicant turned to walk away, the offender attacked him without provocation, slashing him with the neck of a broken wine bottle. The applicant attempted to detain the offender but was unable due to loss of blood. He was treated in hospital for slash wounds to his chin, neck and chest and was given blood. He was released later that day to rest at home and returned to hospital in 10 days to have the stitches removed. The wounds took about one month to heal.

The applicant experienced emotional upset due to the assault and is very conscious of the scarring on his chin, neck and chest. He contemplates undergoing scar revision. If and when he does, the Board will consider payment of these costs.

The offender was convicted of aggravated assault and sentenced to nine months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $2700.00 and 7(1)(f) other pecuniary loss $82.00 which was the loss of income to attend the hearing, for a total award of $2782.00.

200-7862

The applicant was 48 years of age and employed as a police detective. On the day in question in Sault Ste. Marie, the applicant and his partner spotted a vehicle whose driver was suspected of planning to rob several locations that night. The applicant and his partner pulled the suspect vehicle over to the side of the road. As the officers approached, the suspect left his vehicle and then dove back into his car head first.

The applicant threw himself on top of the suspect and they grappled with each other, struggling to gain possession of a gun the offender had in his hand. The applicant began to lose his grip on the gun and appealed to his partner for help. His partner fired several shots at the offender, the second one of which struck the applicant. The offender was killed instantly and the applicant was taken to hospital.

The applicant sustained a bullet wound which entered his right forearm, exited at his right hand, re-entered his left palm and exited his left hand. The applicant was given morphine and was transferred to the care of a specialist in plastic and reconstructive hand surgery. On the day following, a surgical procedure was performed on the right hand to repair the ulnar nerve and artery, both of which were virtually divided. An open reduction on the left index metacarpal (finger) was also performed. The applicant was released five days later. The applicant's left

hand healed uneventfully, but his right hand showed little improvement.

Over the next three years the applicant was hospitalized several times for various surgical procedures. These included full thickness skin grafts, amputation of the little finger and ulnar nerve stimulation. Medical evidence indicated that while his left hand was only five percent disabled, his right hand was fifty percent disabled and this was considered permanent. The applicant was left with a considerable loss of power in his right hand and suffers a somewhat painful tingling sensation. The applicant was unable to work for ten months and his loss of income was covered by the Workers' Compensation Board.

The Board found the applicant compensable under Section 5(b) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss-victim $1500.00 (lost income); 7(1)(d) pain and suffering $10,000.00: solicitor fee $750.00 and disbursements $736.75, for a total award of $12,986.75.

922-012190

This application was brought by the victim's father. The application was heard on documentary evidence. The incident involved a minor who was the victim of child abuse.

The victim was five-years-of-age and lived with his biological mother and her common-law partner, the offender, in Petawawa. The victim was seriously injured as the result of blows he received from the offender. The victim fled from his home and spent the night in a wooded area nearby. It was raining. When found the next day and examined in hospital, the victim was found to have suffered from a number of injuries. The most medically serious was an abdominal injury which required surgery. There was damage to the intestine which was resected and repaired and which kept him in hospital for almost three weeks. In addition, multiple bruising was noted to the head, face and genital area. Furthermore, there were weeks old healing fractures to six ribs, a fractured shoulder blade, a fracture of the spinal process and a fracture to the radius of the left arm. There was also a ten day old healing fracture of another rib.

Upon release from hospital, the victim was placed in local foster care. The victim was then placed in the care of his paternal grandparents for seven months. As a result of the abuse inflicted upon him and after investigation by the Children's Aid Society, the court awarded custody of the victim to his natural father, the applicant. The victim now lives with his father. Reports indicate that the victim is doing well, both physically and emotionally.

The offender was convicted of assault causing bodily harm and sentenced to 18 months.

The Board found the victim compensable under Section 5(a) of the Act. The Board awarded the victim compensation in the sum of $5000.00 to be held in trust until his eighteenth birthday. Further, the Board awarded $200.00 for fee and $148.80 for disbursements to the applicant's solicitor, for a total award of $5348.80.

922-011832

The applicant was 87-years-of age and was injured in a purse snatching incident in the elevator of her apartment in Toronto.

The two alleged offenders grabbed the applicant's purse, and she was abruptly yanked out of the elevator at the 21st floor. She landed squarely on her front on a vinyl tile floor. A fellow tenant came to the applicant's aid and called the police and an ambulance. The applicant was taken to the hospital where she was treated for shoulder strain and an inner underlip laceration and was released within an hour. She experienced severe depression and fear as a result of the occurrence. The applicant has been counselled by her Community Relations Worker and has begun to put the incident 'behind her'.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2,500.00, for a total award of $2,500.00.

922-012060

The applicant, age 20, was unemployed.

While walking with a friend in St. Catherines, at approximately 2:00 p.m., the applicant was shot in the abdomen by an unknown assailant. The applicant was taken to hospital by a passing motorist and underwent an operation which involved repair to his small intestine and colon. The bullet is left in his body. The applicant was in hospital for seven days and recuperated at home for approximately two months. He has made a good recovery from his injuries but has been left with three scars to the abdomen.

The assailant has never been found or charged and there is no motive known for the shooting.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2000.00; 7(1)(f) other pecuniary loss $10.00; solicitor's fee $225.00 and disbursements $31.50, for a total award of $2266.50.

922-010789

The applicant was a 32-year-old unemployed installer living in Hamilton. He and his wife went to a restaurant for dinner. A dispute arose about the quality of the meal and the slow service. As they were in the process of leaving the restaurant, two offenders pushed the applicant through the outside doorway and dragged him to a nearby parked car. As he stood beside it, he was punched and kicked by the offenders, causing him to fall and hit his head on the road surface, rendering him unconscious.

The applicant was aided by his wife and a passerby who called police and an ambulance. He was taken to hospital where it was noted he had two black eyes and bruising to the right side of his face and had suffered a fractured skull. His behaviour at hospital was peculiar, uncooperative and confused. Against all advice, he signed himself out eight days later.

On the following day, he was seen by his family doctor complaining of severe headaches. The doctor suspected he was suffering from an intracranial condition which might be influencing his behavior. He was then seen by a neurologist who discovered marked post-traumantic communicated hydrocephalus. The applicant was re-admitted to hospital and operated on for a permanent ventricular peritoneal shunt. He was discharged after three days.

The applicant suffered a loss of his sense of smell, and his ability to taste was altered. He suffered a significant personality change which caused severe hardship to his family. Both he and his wife had a series of visits with a psychiatrist and regular visits with the family doctor. The applicant was given various medications which did not improve his behaviour.

For three months after his injury and until he went to work for his father, the applicant was unable to care for his children while his wife went to work. The applicant's wife incurred costs for babysitting services. The applicant has made some recovery, however, he complains of an inability to remember simple instructions and is still nervous of some situations and lacks energy.

The offenders were convicted of assault causing bodily harm. The applicant commenced a civil action but this was abandoned as the offenders were found to be insolvent. An investigation was ordered, by the Board, as to recovery under section 26 of the Act. The application was made after the limitation period but an extension was granted.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $10,000.00; 7(1)(f) other pecuniary loss $29.42 (travel expenses to hearing); solicitor's fee $300.00 and disbursements $11.60 and the applicant's wife (babysitting services) $1182.15, for a total award of $11,523.17.

922-010642

The applicant was 25 years old and was unemployed. The applicant and two friends left a hotel in Tilbury and walked to their truck parked on the street.

While the applicant was standing beside the truck, the offender came out of the hotel, walked up to the applicant and without any words being spoken started to kick the applicant, knocked him to the ground and then kicked him several times more. The applicant's friends came to his aid and the offender left the scene. No motive could be established for the assault. Police were notified and the applicant was taken to the hospital.

The applicant sustained a compound cominuted fracture of the right end of his jaw, bruised ribs and dental damage. Surgery was performed to repair the fracture and wiring and arch bars were installed. These were removed seven weeks later. Approximately five months later, a non-union and infection of the fracture occurred, and an emergency incision and drainage was done followed by surgery to remove three impacted teeth and an open reduction of the mandible again requiring wiring and installation of the arch bars. The applicant was hospitalized for a total of 24 days and had a lengthy recovery from his injuries. Some discomfort remains.

The applicant was still awaiting further dental repair at the time of hearing and produced estimates, pricing this work at $850.00. The Board stated that it would consider payment, not exceeding $850.00, upon certification that this was completed.

The offender was charged with assault causing bodily harm and sentenced to six months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses (dental, drugs, travel for treatment and telephone) $1226.25; 7(1)(d) pain and suffering $4000.00; 7(1)(f) other pecuniary loss (travel expenses-hearing) $23.94; solicitor's fee $300.00 and disbursements $185.65, for a total award of $5735.74.

922-011163

The applicant is the widow of the 24 year old victim, who at the time of his death, was employed as a meat cutter. At approximately 9:00 p.m., the victim, together with friends, was seated in his car outside a residence in Corunna, Ontario, when the offender fired a shotgun at the victim's vehicle, killing him instantly. The applicant's claim is for funeral expenses and pecuniary loss to the family unit due to the death of the victim.

The offender was convicted of second degree murder and sentenced to life imprisonment. A motive for the shooting has never been established.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses for the funeral $1800.00; 7(1)(c) pecuniary loss of victim's income to date $5255.70; 7(1)(f) other pecuniary loss $36.75; solicitor's fee $350.00 and disbursements $479.25 and a periodic award of $238.79 per month payable to the applicant subject to review to compensate for the victim's loss of income from date of the order. The total lump sum award was $7921.70.

922-011356

The applicant, a 55 year old insurance salesman accepted an invitation to visit the Toronto apartment of one of the offenders. He had met her earlier in the month. While at the apartment, he was introduced to two of the offender's friends who admitted to being 'hookers'. After having sexual relations with one of them, he was confronted by another, who was holding a .22 rifle in her hands.

Taking his watch and keys, the women handcuffed him with his hands behind his back and led him to a third floor bedroom. There he was tied with rope around his ankles and neck, gagged and thrown on the floor of a closet. He was struck with an open hand and then with a pool cue over his head and shoulders. He almost choked on his partial plate. The applicant was then strung up on a hook so that he was upside down and one of the offenders tried to smother him with a pillow. Eventually, he was able to free himself and call the police.

The applicant was treated at the hospital for multiple cuts, bruises and abrasions. More serious was the emotional trauma suffered as the result of an incident which the applicant viewed as life-threatening as well as humiliating. He has required extensive psychiatric therapy since the assault to deal with problems of depression and sleeplessness.

One offender was charged with robbery and the use of a firearm in the commission of an indictable offence and received a year in jail on each charge; one was charged but aquitted; and one was charged with robbery and use of a firearm in commission of an indictable offence and received two years on the first charge and one year consecutive on the second.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $397.25; 7(1)(d) pain and suffering $5000.00 and solicitor's fee $400.00 and disbursements $175.00, for a total award of $5972.25.

922-010364

The applicant, age 41, a police constable, was on duty when he and his partner responded to a call from Litton Industries plant in Rexdale regarding a parked vehicle with explosives set to go off in 20 minutes. The applicant was about to leave his car to check an insignia on the vehicle. The next thing he recalls was being helped up and taken to an ambulance.

The applicant sustained a fractured left humerus (arm) which was treated conservatively with a sling for two months and a cervical neck strain which required a collar for six weeks and prescribed muscle relaxants. The applicant also experienced a temporary hearing loss of the left ear, severe headaches and occasional dizziness, requiring prescribed analgesics for over a year.

The applicant was readmitted to hospital a year later when he fainted as the result of a severe headache. The applicant had suffered a vasovagal episode and has essential hypertension. The medical report states that it is difficult to say if these may be related to his experience with the Litton bombing, but the applicant did not have headaches until after the occurrence. His blood pressure has settled well with daily medication and analgesics for occasional headaches. The applicant was off duty for a total of eight weeks, but all loss of income was covered by the disability coverage of his employer.

The offender was convicted of igniting a bomb apt to cause serious bodily harm and sentenced to 20 years in prison. Four other persons are awaiting trial.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $5000.00; 7(1)(f) other pecuniary loss

$586.70 (doctor's reports, hospital records and travel) and solicitor's fee $275.00, for a total award of $5861.70.

922-011810

The applicant, a 32-year-old mechanical inspector, employed at Litton Industries was injured when a bomb exploded outside the Rexdale plant.

The applicant was in a hallway about to exit from the plant when the bomb exploded. He was struck by debris and knocked to the floor, where he was found covered by rubble. The applicant sustained multiple facial and scalp lacerations and a deep laceration of the right knee which was cleansed and sutured. A compound fracture and dislocation of the right foot required open reduction with K wire fixation and a cast was required for six weeks. According to medical reports, the foot injury had healed and normal range of movement returned within five months.

He could have returned to work at this time, but he continued to experience persistent episodes of true vertigo for a year. As a result of this occurrence, the applicant was unable to work for one year, but did not sustain a loss of income, by virtue of coverage by Workers' Compensation Board.

One offender was convicted of igniting a bomb apt to cause serious bodily harm and was sentenced to 20 years in prison. Four other persons were awaiting trial.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $4500.00.

922-011101

At approximately 11:30 a.m. the applicant, a 36-year-old machine operator, was driving his car past the Litton plant in Mississauga when a bomb exploded. Various debris, including pieces of metal, was falling on his vehicle. The applicant's head was thrown back over the head rest as the car went out of control.

On instruction from police, the applicant drove to the police station and then later returned home. The next day, he was suffering pain and stiffness of his neck and lower back. He also noted a hearing impairment. He sustained a 50% loss of movement in the neck. He was prescribed analgesics, anti-inflammatory drugs, a neck collar and physiotherapy. He was absent from work approximately three months.

When the neck pain persisted, he was referred to an orthopaedic surgeon one year later. That surgeon, in a report to the Board, states that the applicant had pain in bending his head forward and that there was a 50% restriction of rotation to the right. X-rays taken the year before revealed some disc degeneration which had not changed on x-rays taken the following year. The surgeon was unable to state whether this degeneration existed prior to the injury. If so, the injury would have aggravated it. The Board held that it was this degeneration which was causing the neck pain and restricted movement. The applicant was treated with a neck collar and seven months later he had full range of movement and no complaints.

The medical report indicated that the applicant was back to his pre-injury state and that the prognosis was moderately good with some reservation because of the degenerative changes. The applicant was absent from work for two weeks nine months after the incident because of stress related to his injury. He suffered from severe emotional anxiety for approximately three months following the explosion.

One offender was convicted of igniting a bomb apt to cause serious bodily harm and was sentenced to life imprisonment. Another offender was convicted on the same charge with the same sentence. A number of other convictions were also registered as a result of this occurrence.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $23.00; 7(1)(b) $1388.80, being the pecuniary loss of income; solicitor fee $325.00 and disbursements $295.00. The Board noted the neck pain for a period of two years and the emotional anxiety for at least three months and made an order under Section 7(1)(d) $5000.00, for pain and suffering, for a total award of $7031.80.

922-011623

The applicant, a 43-year-old truck driver was injured as the result of an occurrence which took place in Orillia. The applicant assisted police in apprehending two males suspected of stealing a double-barrelled shotgun. The applicant assisted in the chase of one male and held him for police. It was during this chase that the applicant sustained his injuries. The applicant was commended for his action by the Orillia City Police Department.

The applicant sustained fracturing and a severe contusion of the right knee, which required the use of crutches for five days. He was unable to work for five weeks. According to medical reports filed with the Board, the applicant

continues to have swelling and discomfort which causes him to limp. The report notes that, in the future, the knee will probably develop osteochondritis of the back of the patella or an arthritis of some form.

The Board found the applicant compensable under Section 5(b) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim (loss of income) $1154.39; 7(1)(d) pain and suffering $4500.00: 7(1)(f) other pecuniary loss $35.69 (loss of income to attend hearing), for a total award of $5690.08.

922-010294

The applicant, then 32 years old, was a police constable with the Metropolitan Toronto Police Department. In the early afternoon, the applicant was on plain clothes surveillance duty observing a demonstration in downtown Toronto. Shots rang out, the applicant went to investigate and the first offender fired a shot at close range which ricocheted off the applicant's shoulder holster. While kneeling and attempting to subdue the first offender, he incurred, a gunshot wound to the back of his head, resulting in a five-inch furrowed laceration to the scalp. Three other persons received gunshot wounds in the course of the same disturbance.

The applicant was treated at the hospital for his injuries. He suffered arterial bleeding but no bony damage. The bleeding artery was tied off and the wound was debrided and cleansed, twenty-five sutures were required to close the wound. The applicant returned to work five weeks later on light duties. He resumed regular full-time duties with his unit nine days later.

The applicant experienced persistent right side headaches, which have now abated and lessened in frequency. He also experienced disturbed sleep patterns, flash-back phenomenon, inability to concentrate and some emotional liability. Except for the above-noted headache problem, the applicant appeared to have fully recovered.

The first offender was convicted of attempted murder and was sentenced to life imprisonment. Both offenders appealed their convictions. On appeal to the Ontario Court of Appeal, the first offender's sentence was reduced to nine years and the second offender's sentence was reduced to 18 years.

Counsel for the applicant informed the Board that a civil suit had been launched against the offender, whereupon the chairman reminded counsel of the Board's rights in subrogation.

The Board found the applicant compensable under Section 5(b) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $4000.00 and disbursements $50.00, for a total award of $4050.00.

922-010909

The applicant was 31-years-old, lived in Windsor and was employed as a waitress. At approximately 3:15 p.m., she was working at a restaurant in Windsor when her ex-husband, who prior to the occurrence had been continually harassing her, followed her to the coffee stand in the restaurant, grabbed a pot of boiling water and poured it over her.

The applicant was hospitalized for 20 days. She suffered from second to third degree burns to her face, neck and upper arms and a perforation of the tympanic membrane of the left ear, resulting in a 30% loss of hearing in the left ear. Some permanent scarring also remains. The applicant was off work for 44 weeks and there is a possibility that she may require future surgery to repair the injury to her left ear. The applicant was advised of section 25 of the Act, in that an Order may be varied.

The offender was convicted of assault causing bodily harm and sentenced to 30 days in jail plus 12 months probation.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $40.00; 7(1)(b) pecuniary loss $2470.00; 7(1)(d) pain and suffering $5000.00; solicitor fee $250.00 and disbursements $292.00, for a total award of $8052.00.

922-010284

The applicant was 49-years-old, lived in Windsor and was self-employed. At approximately 7:30 a.m., the applicant, who operated her own restaurant, was assaulted, bound and gagged and placed in a chest freezer. The alleged offender and his accomplice took the money from the register and fled. Ultimately, the applicant was able to escape from the freezer and in doing so, fell hurting her arm and receiving contusions to her head and body.

Police were called and the applicant was taken to the hospital by ambulance. She was treated for a sprain to her right arm, bruising to her neck and shoulder and emotional trauma. She received physiotherapy for two months and wore a cervical collar for several months. Some physical discomfort and mental apprehension still remain.

The alleged offenders have never been apprehended.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00 (ambulance); 7(1)(d) pain and suffering $3000.00; solicitor fee $250.00 and disbursements $255.00, for a total award of $3525.00.

922-011080

The applicant, a 54-year-old part-time hospital worker, was visiting her aged mother at the latter's home in Scarborough.

At approximately 8:15 p.m., the applicant responded to a knock on the door by a visitor who asked for her mother by her first name. Believing him to be an acquaintance, the applicant permitted the alleged offender to gain entrance to the house. The alleged offender, smelling strongly of alcohol, demanded food and then money, and the applicant gave him the contents of her purse. He then attacked the applicant. The alleged offender said to be wearing a spiked wristband, struck the applicant at least three times across the face, breaking her glasses, and then attacked the applicant's mother. The alleged offender, having robbed the mother as well, then left and the applicant rushed to the backyard to summon help. They were taken to hospital.

The applicant's nose lacerations were sutured and severe bruising on the forehead and in the mouth area was suitably treated. X-rays were negative. Medical evidence adduced indicates that the applicant continued to suffer the effects of severe whiplash for over two months. The applicant was off work for a period of three months and continues to suffer nightmares and nervous anxiety. A pre-existing condition of Parkinson's Disease was probably aggravated by the unprovoked attack.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $90.00, being the cost of replacement glasses; 7(1)(b) pecuniary loss $300.00 (wages); 7(1)(d) pain and suffering $1500.00, for a total award of $1890.00.

200-9605

The applicant, aged 32, was employed as a hotel and restaurant manager.

At approximately 1:45 a.m., in Niagara, the applicant attended at a residence occupied by the offender, where a rather noisy party was in progress and asked that they cease the noise and rowdiness. An argument ensued, resulting in the applicant being assaulted several times in the face, while the offender held his arms.

The applicant was treated for facial cuts, bruises and a compound fracture of the jaw. An open reduction was carried out and internal wiring was applied. After removal of the wiring two months later, infection set in and further surgery was required. The applicant was unable to work for two months, but made a good recovery.

The offender was found guilty of common assault and received a suspended sentence.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses 2605.42 being $2557.38 representing wages paid to his substitutes, plus other medical expenses; 7(1)(d) pain and suffering $3000.00; solicitor's fee $300.00 and disbursements $428.02, for a total award of $6333.44.

922-011157

The application was originally brought by the applicant's father, but at the time of the hearing the victim had reached 18 years of age and became the applicant.

The applicant was 17-years-of-age and was attending a party at a friend's home in Toronto. The offender, who was an uninvited guest, assaulted the applicant by striking him with a beer bottle. The assault was without provocation and caused the applicant to lose his right eye. The applicant was taken to the hospital and stayed there for one week. As a result of the injury, the applicant is now unable to play certain sports, and his career options are limited. As well, the applicant had previously suffered from acute bouts of depression which were exacerbated by the injury.

The offender was convicted of assault causing bodily harm and sentenced to imprisonment for six months.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $9000.00; solicitor's fee $450.00; and disbursements $200.00, for a total award of $9650.00.

922-011552

The applicant, a 23 year old Police Constable was assaulted in Scarborough. The applicant was off duty and was walking his dog when he observed six males carrying plastic pipes that had been taken from a nearby construction site. The applicant indentified himself as a police officer and attempted to place one of the males under arrest for theft under $200.00. The applicant was struck in the face with a brick thrown by this male.

The applicant sustained a major fracture of the nose, a fractured left cheek-bone, a fracture of the left eye-socket, a laceration on the forehead requiring nine sutures and dental damage which required extensive dental repair including wiring of the jaws for five weeks. The applicant was able to return to light duties after two months, and resumed regular duties in three months.

The juvenile offender was charged with assault with a weapon and was committed to a training school.

The Board found the applicant compensable under section 5(b) of the Act and awarded damages under Sections 7(1)(b) – Pecuniary Loss – Victim (lost earnings) $700.00 and 7(1)(d) Pain and Suffering $4200.00 for a total award of $4900.00.

922-012136

At 10:00 a.m., the applicant, age 57, was in the entranceway to the Sherbourne Subway Station in Toronto. Her last memory is of checking the contents of her purse and getting out a token. She was found face down and unconscious a few minutes later by a passerby, who called the police and an ambulance. Her purse was missing and has never been recovered.

The applicant was taken to hospital where she remained for about 20 days. She was treated for a skull fracture, multiple rib fractures and multiple soft tissue injuries. On release from hospital, the applicant was cared for at a home in Willowdale, service for which she paid $600.00. The applicant returned to work two months later. She did not lose any income during her absence.

There was some indication on file that the applicant had previously suffered from dizzy spells, which might have been the cause of her injuries. The applicant denied this and explained that due to a language difficulty, she had misunderstood the question of the police officer and admitted to being dizzy after the incident. Her work record shows little absenteeism or health difficulties and her doctor who has cared for her since 1978 stated by letter that the applicant had no history of dizziness or episodes of fainting. No arrests have been made as a result of this assault.

The Board considered all the facts before it and concluded that the applicant was a victim of an assault and was compensable under Section 5(a) of the Act. The Board awarded compensation under Section 7(1)(a) expenses $787.00, being the cost of replacement eye glasses ($187.00) and the cost of after hospital care: 7(1)(d) pain and suffering $4000.00; solicitor's fee $250.00 and disbursements $177.24; translation services $160.00, for a total award of $5374.24.

922-010770

The applicant did not appear at the Board hearing and the Board dealt with the application on documentary evidence in accordance with Section 7 of the Statutory Powers Procedure Act and testimony from the investigating police officer.

The applicant, age 33 and unemployed, claimed he was assaulted at his apartment in Hamilton by a fellow tenant and her brother. He claimed that he sustained a loss of vision in his left eye. At the time of the assault, the applicant notified the police, who responded. He told the investigating officer that he had been assaulted from behind and robbed outside his bank. He could not identify his assailants. Police noticed some bruising and swelling about the eye and nose.

The applicant was taken to hospital and was refused treatment. The hospital alleged that they had received phone calls from the applicant threatening violence. The police remained while the applicant was examined. X-rays were normal but there was some tenderness about the face. Medication was prescribed. No eye damage was noted. The applicant was seen by a specialist; there was no evidence of trauma or loss of vision that could be attributed to an assault. The police officer testified that the applicant was known to police. He had complained of another assault with conflicting accounts of that assault. There was some evidence of mental instability.

The Board noted the conflicting stories about the assault and while the Board was satisfied the applicant had sustained some minor facial injuries, the Board was unable to determine how they occurred or whether they resulted from a crime of violence. The Board denied the application. There was never an offender identified or charged as a result of this occurrence.

922-011664

At 11:45 p.m., the 26-year-old-applicant, a Toronto Transit Commission driver, was seated alone in his bus in Scarborough, awaiting departure time. Two youths knocked on the door and were admitted by the applicant who offered them transfers. The youths demanded the fare box and when the applicant refused, one of the youths produced an eight-inch steel

concrete spike and proceeded to jab and scratch at the applicant on the right side of his face.

In order to defend himself, the applicant grabbed his fire extinguisher to ward them off. The offenders fled. The applicant then called the police and was eventually brought to the hospital by a Toronto Transit Commission inspector. He was treated for superficial abrasions and released at 2:00 a.m.. The applicant was left with a fear of working nights.

No arrests were made.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim (difference between Worker's Compensation and actual wages) $9.27; 7(1)(d) pain and suffering $800.00, and disbursements $25.00 payable to the TTC Legal Department, for a total award of $834.27.

922-010656

This application was made by the father of the victim, who was eleven years-of-age and thus a minor at the time of his injury.

The victim, his brother and four of their friends – all of whom were between the ages of 11 and 15 – arranged to get together to go hunting for birds and rabbits in a bush area in Sault Ste. Marie. Apparently, all of the boys but one had gone hunting like this before. None of the boys wore special clothing to make them more noticeable in the woods. The victim, his brother and another boy were down in a gully shooting at birds and tin cans, etc. Two other boys were shooting their rifles near the top of the gully. Suddenly, the victim screamed and when the two boys nearest him looked around, he was lying on the ground. He indicated he had been hit in the right eye by a pellet from one of the guns.

Following initial surgery, the victim was transfered to Toronto, where the lens of the right eye was removed. The victim remained at the hospital in Toronto for 15 days. He was able to return to school within a month. He can now play sports again, however, he is apprehensive about his one good eye and this has caused some psychological problems. Approximately a year-and-a-half later, a glass eye was implanted, and he must wear special glasses for the protection of the good eye. The Board noted that the victim received $4000.00 from the Economical Insurance Company for the loss of sight in his right eye.

No charges were ever laid in this matter as it could not be determined who had fired the pellet that struck the victim's eye. Moreover, there was no parental support for laying charges under a City By-law prohibiting the discharging of weapons within the city limits. The Board accepted the argument that there was criminal negligence in this case, but pointed out that the victim was a willing participant in the illegal activity. However, the Board noted that the victim was only eleven years old at the time of the incident and not totally responsible for his actions. It invoked section 17(1) of the Act in that the behaviour of the victim may have directly or indirectly contributed to his injury or death and awarded a reduced amount for pain and suffering. The Board considered all the relevant circumstances including the seriousness of the injury, the young age of the victim, and the role of parental responsibility. The Board also stressed that it in no way condones the use of firearms.

The applicant was found compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(a) expenses $762.88 7(1)(b) loss of income $1089.88; solicitor's fee $300.00 and $3000.00 to the victim payable to the Accountant of the Supreme Court of Ontario for pain and suffering, for a total award of $5152.76.

922-011624

The applicant, a 34-year-old bus operator, was driving a Toronto Transit Commission streetcar in Toronto, when the offender boarded the streetcar and tendered an invalid transfer. The applicant refused to accept it and an argument ensued.

The applicant was struck on the left side of the face and neck and then punched on the upper right temple. A passenger came to the applicant's assistance and the assailant was subdued until the arrival of the police who had been summoned by a passing taxi-driver. The applicant was taken to hospital by Toronto Transit Commission officials. He was treated for pain in his neck and head and was given medication and the use of a cervical collar. The applicant had substantially recovered within two months when he resumed work on a full-time basis. In total, he missed 35 working days. The offender was charged with assault, convicted, and ordered to pay a find of $100.00.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim $333.84 (total loss $2,778.56 less $2,444.72 paid by the Workmen's Compensation Board); 7(1)(d) pain and suffering $1,250.00 and disbursements $130.00, for a total award of $1,713.84.

922-012870

The applicant was 30 years old and employed as a medical secretary in Peterborough. On that date, the offender was a hospital out-patient, who had had an appointment set for the following week with a psychiatrist for whom the applicant worked. She presented herself in the applicant's office and refused to leave until the doctor saw her, though the doctor was not there. The applicant went to lunch and upon her return found that the offender had become quite angry and agitated about not being able to see the doctor.

An hour later, the offender entered the photo-copying area, grabbed the paper receiving tray and threw it in the applicant's face. The applicant had to have a laceration to her left cheek sutured. The facial scar healed well and without complication and revision is not considered necessary. The applicant had nightmares for several weeks following the assault, but was able to cope with her emotional upset and fear by talking informally with one of the psychiatrists for whom she works. The offender was convicted of assault causing bodily harm and was fined $300.00. There was no time off work.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $1000.00; 7(1)(f) travel expenses $17.30; solicitor fee $250.00 and disbursements $17.30, for a total award of $1284.60.

200-5550

The applicant, aged 49, met with a former employer in Ottawa to discuss the matter of some wages he owed her. After having dinner together, they went back to her motel room where he suddenly became violent and assaulted her. She finally managed to escape from the room. At the hospital, she was observed to have sustained multiple bruises to the body, a laceration to her lower lip and a fractured nose. Her lip was sutured, the nose reduced, and she was kept under observation for 10 hours because of a previous craniotomy done in 1973. She required no further medical treatment for her physical injuries until some seven months later when she had some 'scraping' done by a plastic surgeon to remove a lump over the bridge of her nose. More serious to the applicant has been the emotional anxiety and the fear she still experiences of the offender.

The offender was found guilty of assault causing bodily harm and given a suspended sentence plus two years probation.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $25.00; 7(1)(d) pain and suffering $2000.00 and 7(1)(f) other pecuniary loss $44.00, for a total award of $2069.00.

200-9318

The applicant was 23 years old and employed as a trainee.

At approximately 1:00 a.m., the applicant, together with other friends, including the offender's sister-in-law, were patrons of a hotel in Parry Sound. The offender, who had been drinking, entered the hotel, walked up to the applicant's table, and was informed by his sister-in-law that his presence was not wanted and he was asked to leave. The offender, after threatening his sister-in-law, left to return a short while later with a beer bottle in his hand and threatening to throw some at her. When the applicant intervened, the offender pulled a knife and lashed out, and in doing so the blade of the knife slashed the applicant's right wrist.

The applicant was taken to hospital where it was determined that he had sustained an incised wound to the ulnar aspect of his right wrist which caused a transection of the sensory branch of the ulnar nerve. Surgery to repair was carried out. Due to complications, the applicant was unable to work for six months.

The offender was found guilty of assault causing bodily harm and given a suspended sentence plus twenty months probation. The applicant has initiated civil proceedings. He was advised of the Board's rights of subrogation under Section 26(2).

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00; 7(1)(b) pecuniary loss $1506.78; 7(1)(d) pain and suffering $3500.00; 7(1)(f) other pecuniary loss $63.00; solicitor's fee $300.00 and disbursements $166.50, for a total award of $5556.28.

200-9811

The applicant, a 65-year-old retired male, was driving his son's cab when he picked up two young men at a subway station in Toronto.

The two passengers did not indicate a precise destination and eventually, the driver became suspicious. He stopped and turned the light on when one of the men put a rope around his neck and the other pointed a gun at him and demanded his money. Somehow, he managed to escape from the cab, but as he ran, a shot

was fired which fortunately did not strike him. He got help at a nearby house and contacted a police. He was treated for a rope burn to the neck and was prescribed valium by his family doctor for his nerves, and was seen by a psychiatrist and psychologist. He had been under a great deal of stress since a motor vehicle accident a year earlier and the assault aggravated his condition.

The two offenders were found guilty of robbery and sentenced to 2-1/2 years and 4 years respectively.

The Board found the applicant conpensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim $1,000.00 (wages); 7(1)(d) pain and suffering $1,000.00; 7(1)(f) other pecuniary loss $10.00 (Police report), for a total award of $2,010.00.

200-8481

At approximately 1:30 a.m., the applicant, a 20-year-old steelworker was assaulted with a tire iron by the offender. The assault took place when one of the applicant's three companions, alone in his car, attempted to back out his vehicle which was parked closely to the offender's in a restaurant parking lot in Hamilton.

The applicant was treated for a depressed frontal skull fracture, a through fullness right ear laceration, right eye haematoma, and scalp laceration. The applicant was unable to work for three months, and was left with scars on his forehead, below his right eye and on his right ear. He still suffers from occasional blurred vision and spots in his eye, as well as swelling. There is a possibility of future temple bone reconstruction to remove floating bone fragments.

The offender was sentenced to 18 months in jail and five years prohibition of possession of weapon. The Board will consider payment under section 25 of the Act if medical expenses are incurred in the future.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00; 7(1)(b) pecuniary loss $1,323.92; 7(1)(d) pain and suffering $3,500.00; solicitor's fee $300.00 and disbursements $300.50, for a total award of $5,444.42.

922-010907

The applicant, age 79, was standing on the platform of a subway station when two young men engaged in horseplay, pushed her over the edge onto the tracks.

Bystanders lifted her up and off the tracks and she was taken to hospital. She was treated for fractured ribs on her right side, abrasions and contusions to her right elbow and arm, knees and lower legs. She was released in the care of her family where she remained for several weeks before being able to return to her own home. It was three months before she was able to resume her previous activities. The applicant suffered anxiety and nightmares and still has occasional soreness in the ribs.

The alleged offender was charged with criminal negligence causing injury, but the charge was dismissed at the preliminary hearing because of insufficient evidence.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00; 7(1)(d) pain and suffering $2,100.00, for a total award of $2,120.00.

200-9117

The applicant, 36-year-old quality control inspector, was the victim of a stabbing in the lobby of an apartment building in Toronto. There were conflicting accounts given by the applicant. Persistent investigation by the police revealed that the applicant had been harassing his assailant's wife. The applicant had shown up at the wife's apartment building and upon discovering him there, the assailant stabbed the applicant in the upper right quadrant of the abdomen. The applicant was taken to hospital where he was treated for a gross haematoma of the liver. The applicant will suffer recurring problems as a result of this injury. The Board considered the extent of the applicant's injuries, the conflicting stories offered by the applicant, his behaviour with regard to the wife of the assailant, and his general lack of credibility and forthrightness during his testimony.

The Board denied compensation citing Sections 17(1) and 17(2) of the Act, where the Board has discretion to deny compensation having regard to the behaviour of the victim and/or his lack of cooperation with the police.

922-011240

The applicant, a 30-year-old store detective, was assaulted in Toronto by her husband.

The incident took place in a club the applicant had attended with another couple. They met the applicant's husband there. During the evening, he became abusive and began punching the applicant while she was seated at a table with

her friends. The applicant was assaulted a second time as she attempted to leave the club escorted by friends.

The applicant sustained soft tissue injuries to the rib area, tibia and neck and a human bite on the right elbow. The applicant was unable to work for one week and had recovered from this assault within six weeks.

The offender was charged with common assault. He received a suspended sentence and was placed on 12 months probation.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $1,600.00; 7(1)(f) other pecuniary loss (doctor's reports) $115.00; legal fee $200.00 and disbursements $25.00. A supplementary order was made, compensating the victim for one week's pay lost as a result of the injury. The total award was $2,170.00.

200-8894

At approximately 1:30 a.m, the applicant, a 35-year-old salesman, was beaten and robbed by the two offenders in Toronto. He had apparently met the offenders earlier in the evening at a tavern where he had gone for a few drinks after dinner.

When he left the tavern, the applicant decided it would be better to take a cab, since he felt he might be considered legally impaired to drive his own car. When the two offenders drove by and offered him a ride, he accepted. A few minutes later when he became suspicious of their intentions, the applicant jumped from the car at a red light. His assailants eventually caught up with him and robbed him of his wallet and jewellery. While doing so, they twisted his arm behind his back and kicked him in the face and body. Afterwards, the applicant went into a nearby apartment building and had the superintendent call the police.

The applicant suffered a laceration to the lip, which required suturing, a black eye, and a comminuted fracture of the upper left arm. The fracture was not displaced enough to require an open reduction but was treated instead with a sling, analgesics, cold compresses and physiotherapy. The sling was worn for 23 days and the applicant attended 29 physiotherapy sessions up until April, 1981. The arm has now fully recovered except for occasional pain under physical stress or weather influences. The applicant was also very emotionally upset by the incident.

The offenders were convicted of assault causing bodily harm and sentenced to six months in jail plus one year probation. They were also ordered to pay $1,200.00 in restitution for the articles and money stolen from the victim.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $1,000.00 (an arbitrary award for loss of income as the Board could not substantiate a definite loss); 7(1)(d) pain and suffering $3,000.00; solicitor's fee $350.00, for a total award of $4,350.00.

922-011509

Publication prohibited and in camera. The applicant was 37-years-of-age and was employed as a chef. On that date, the applicant and others were invited by a male friend to see his apartment in Toronto. The applicant and his friend were joined by two other males who were unknown to the applicant. They were in his friend's apartment a short time when the two males assaulted and robbed both the applicant and his friend.

The applicant attended hospital and was treated for a stab would to the abdomen which required a laparotomy. He was in hospital for one week and made an uneventful recovery. He also sustained a deviated septum which subsequently required surgical correction. The applicant had suffered chronic depression since 1980 and the assault aggravated his condition and he experienced severe depression, anxiety and disturbing nightmares requiring further supportive therapy as well as prescribed medication. The applicant still requires medication. The applicant indicated he was still nervous when alone. In addition, the applicant stated that he had been unable to work for 35 days.

The first offender was convicted of wounding and robbery and the second offender was facing trial for charges of attempted murder and robbery.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $121.50 (drugs, ambulance); 7(1)(b) pecuniary loss-victim $1397.10 (loss of income for 35 days); 7(1)(d) pain and suffering $4500.00; 7(1)(f) other pecuniary loss $10.00 (travel to hearing), for a total award of $6028.60.

922-010911

In Niagara Falls, at about 8:00 p.m., the applicant, a 30-year-old police officer was awakened by his wife who had received a call from a neighbour complaining of a man yelling

and cursing outside. At that moment, the applicant's daughter ran in to report that the man was now damaging his wife's car.

The applicant went outside to investigate and consequently made an attempt to arrest him. The offender then assaulted the applicant and a scuffle ensued and lasted 20 minutes until the offender was subdued. The applicant sustained bruises to his groin and right hand. He also received a severe injury to his left knee which had been hurt and operated on in 1978.

The applicant was off work for over six months and was prevented from returning to his regular duties because of the permanent damage that had occurred. He now works in a clerical capacity for the same police force. The applicant has been left with a limp and pain which he suffers mostly during damp weather. He has had to give up his sports activities and pastimes, and constantly maintains a diet to relieve strain on his left leg from his weight. He was unable to maintain the upkeep of his property and has moved to a townhouse. He also has difficulty coping with the change from his previously perceived strength to what he now finds as a limited disability.

The offender has been committed to Penetanguishene and to date is found unfit to stand trial.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $4,500.00.

922-012025

The applicant, who was 29-years-old and employed as a receptionist, was the victim of an assault committed by the offender with whom she was living at the time. They were at a dinner party returning home at about 3:00 a.m. and became engaged in an argument concerning their dog.

The applicant decided to sleep in another bedroom but was awakened sometime later by the offender who picked her up to carry her. She struggled and was struck in the face, knocking her to the floor. She struck her face against a piece of furniture. He also kicked and choked her. She attended at the hospital the next day, where she was treated for contusions to her jaw and released. Although she did not notify police of the occurrence, she did see a justice of the peace and laid a charge of assault against the offender who pleaded guilty and was sentenced to seven days and six months probation. The applicant may require plastic surgery to correct the scar inside her lower jaw. She was advised of section 25 of the Act which provides that the Board would consider payment of any medical fees over OHIP allowance, providing the surgeon advises the Board that surgery is necessary and was directly attributable to the injury she sustained as a result of the offence.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $1,500.00, for a total award of $1,500.00.

922-012542

The applicant was 27 years-of-age and was employed as a waitress. She left the tavern in Windsor where she was employed, and was walking to get her car, when she was accosted by two men in a car. The applicant ignored them and continued walking but they drove up behind her and the offender grabbed her by the hair and pulled her towards the car. The applicant screamed and started to struggle. The offender slapped her in the face and the applicant fell to the ground. The offender tore open her blouse, kicked her and began pounding her head against the ground. The applicant then consented to go with the offender, but when they passed her car she jumped in but she was unable to lock the door. The offender then assaulted her again. At this point, an off-duty police officer came along in his car, stopped and then chased the offender, who fled. The applicant was taken to hospital where she was treated for loss of hair, a bruised right hand and forearm, tender neck and shoulder muscles and for severe emotional trauma. The applicant made a good recovery from her injuries but required counselling for her emotional upset. She was unable to work for one day.

The offender was convicted of assault causing bodily harm.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim $60.56 (loss of income); 7(1)(d) pain and suffering $2500.00: 7(1)(f) other pecuniary loss $11.00 (doctor's report and certificate of conviction), for a total award of $2571.56.

922-012047

Publication prohibited and in camera. The applicant was 18 years-of-age and a hospital employee. On that date, the applicant and her cousin were patrons at a private club in

Chatham. The offender who was unknown to the applicant was also in attendance at the club. Shortly after 4:00 a.m., the applicant decided to go home while her cousin chose to stay. The applicant began walking the 4-1/2 blocks to her home. While on her way, a car pulled up behind the applicant, and the offender got out, grabbed her, threatened her, and forced her into his car, where she was beaten. The offender drove her to a country side road, made her undress and then sexually assaulted her. After the assault, she was allowed to dress and the offender returned her to the city where she was let out of the car. The applicant ran to the nearest house and police were notified. The applicant was taken to hospital where she was treated for facial and body bruising, scratch marks and emotional trauma. She had a good recovery from her physical injuries but she required counselling for her emotional upset. She was unable to work for 4 days.

The offender was convicted of sexual assault.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim $90.00 (loss of income); 7(1)(d) pain and suffering $3500.00, and to counsel for disbursements $109.40, for a total award of $3699.40.

200-9307

The applicant, a 58-year-old Toronto Harbour Commission employee was assaulted in his apartment. The applicant was having a drink with the offender's common-law wife, whom he had recently met and who had invited herself to his home. The offender, a recently hired superintendent of the building, opened the door by means of a passkey and forced the safety chain. He assaulted the applicant with a metal handle from a mop pail, then fled from the scene.

The applicant suffered contusions to his eyes, ribs and kidney, a retinal edema (eye) and swollen lips. His most lasting injury was to his left shoulder, exacerbating a suspected condition of bursitis or arthritis. The applicant was unable to provide the Board with any proof or statement of lost wages, claiming he had never told his employers the reasons for his continual absenteeism. Also, he was not able to provide a doctor's report, stating the reasons for which he was unable to return to work, until such time as he did so. The Board advised the applicant of the possibility of adjournment, but the applicant chose to continue the hearing based on pain and suffering only.

The offender was convicted of break and enter and assault causing bodily harm and given a suspended sentence plus one year probation.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2500.00, as the total award.

200-9872

The applicant, a 50 year old caretaker was asleep in his apartment, when he was aroused by a knock on his apartment door. Almost immediately thereafter, the door was kicked open and four men entered the applicant's apartment demanding that he supply them with alcoholic beverages. Because the applicant was unable to comply with their request for alcohol, the four men administered a severe beating to the applicant, leaving him bloodied and hiding in the bathroom. Police were called by neighbours, and were able to arrest the offenders before they could escape.

The applicant was taken to the hospital by ambulance and then released. His family then took him to another hospital where he received treatment for his injuries. These were: (1) a fracture of the left cheek–bone and orbital floor (2) fracture of the nose and (3) minor lacerations and bruises. In addition, the applicant suffered from headaches and dizziness for a substantial period of time and also some mild hearing loss. He underwent two surgical procedures and still has residual problems with regard to hearing and breathing. The applicant was notified that the Board would consider payment for any further treatment necesary in regard to injuries related to this occurrence on presentation of the appropriate documentation.

The four offenders were jointly charged with robbery. Two of the offenders were found guilty and sentenced to eighteen months and twelve months in jail. The other two offenders were found not guilty.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00 (ambulance); 7(1)(b) pecuniary loss – victim $722.97 (loss of income); 7(1)(d) pain and suffering $3500.00, for a total award of $4,242.97.

200-8719

The applicant was a 33 year old welder. After having visited a relative in Toronto, the applicant was driving home when the driver behind him began honking the horn. The applicant was unable to switch lanes due to heavy traffic and eventually turned off the road at an exit.

The offender drove past the applicant, cut him off and forced him to stop. The offender got out of the car and began hitting the windshield of the applicant's car. The applicant got out in order to stop the offender and was assaulted. The offender then left. Two people came to the applicant's aid, and police and an ambulance were called. The applicant was able to give a description of the offender's car and a partial license plate number to police. Eventually, an arrest was made.

The applicant was treated for concussion, bruised left eye and bruised kidneys, contusions to the left chest. He was in hospital for 11 days so that injury to his spleen could be ruled out. Within two months the applicant's injuries had been resolved, though he suffers occasionally from a sore left side. There was no claim for loss of income. The applicant was laid off at the time of the incident.

The offender was convicted of assault causing bodily harm and sentenced to 14 days in jail. On appeal the charge was dismissed.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $79.30 (ambulance and medical expenses); 7(1)(d) pain and suffering $1850.00 and 7(1)(f) other pecuniary loss $30.00 (loss of income to attend hearing), for a total award of $1959.30.

922-011427

The applicant, who was 31-years-of-age and unemployed, was stabbed twice in the upper left arm by the offender. The offender had lived with the applicant for about one week prior to the occurrence when the applicant found out that she was using drugs and asked her to leave her premises.

The offender, who had left during the day, returned that evening to obtain her clothes and when she got into the apartment, she stabbed the applicant twice. The applicant sustained two scars over the upper left arm and according to the medical report, the pain in the arm continues and will remain a chronic problem.

The applicant was afraid to press charges due to the violent temper of the offender. The police, however, laid a charge of weapons dangerous and the offender was sentenced to six months.

The applicant was found compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $1100.00; solicitor's fee $200.00 and disbursements $131.75, for a total award of $1431.75.

922-011561

The applicant, a 34-year-old part-time clerk, was injured as the result of a robbery which took place in St. Catherines. The applicant was delivering the deposit bag containing approximately $2000.00 when the offender grabbed the deposit bag and assaulted the applicant, knocking her to the sidewalk. The applicant sustained multiple bruises to her arms and legs, a cervical soft tissue injury, right sacroiliac strain and considerable emotional upset. The assault aggravated a previous back condition which caused severe lower back discomfort. The applicant cannot participate in sports, exercise or perform all her household tasks. She became apprehensive and had difficulty sleeping for several months. The applicant's loss of income and other related expenses were covered by the Workers' Compensation Board.

The offender was charged and convicted of robbery.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2500.00 and to her solicitor for fee $250.00 and disbursements $532.00, for a total award of $3282.00.

922-011413

The applicant, age 41, is the wife of the applicant in File No. 922-011412. In Toronto, the applicant was assaulted when she came to the assistance of her husband who was being assaulted by male offenders, one of whom had urinated and exposed himself in front of the applicant and her friend. The applicant suffered a laceration to her upper left eyelid which required two sutures, abrasions to her legs and left arm and tenderness to the lower lumbar (spinal) area. The injuries healed within six weeks and the applicant was able to return to work at her husband's store immediately after the incident.

Charges against the alleged offenders were withdrawn presumably because they had been convicted of the assault on the applicant's husband.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering of $700.00; solicitor's fee $150.00 and disbursements $80.00, for a total award of $930.00.

922-012308

The applicant was 43 years of age, a school teacher and lived in Windsor, Ontario.

Early in the morning on the date of the occurrence, the applicant was awakened by the sound of breaking glass and a 'banging' in her house. She left her bedroom and entered her living room in time to see flying glass and the figure of an intruder entering through the window. Presuming that the intruder intended to do her harm, the applicant escaped to her bedroom. She attempted to notify police but was too hysterical to give her address and ultimately, the police arrived after being notified by neighbours. The applicant attended hospital where her physical condition was checked. She developed a severe stutter in her speech and varying degrees of anxiety and fear particularly in coping with crowds and strangers. The Board found, on the balance of probabilities, a casual link between the break-in by the intruder and the trauma manifested by the speech impediment.

Five months later, the applicant was able to resume teaching. The Board noted however, a guarded prognosis which told a story of social and emotional withdrawal and increased stuttering in stressful and new situations.

The Board denied the applicant's claim for pecuniary loss during her 45 day convalescence as she was paid through a Sick Benefit Plan.

The offender was found guilty of mischief.

The Board found the applicant compensable under Section 7(1)(d) pain and suffering $4000.00 and to the solicitor for fees $100.00 and disbursements $335.00, for a total award of $4435.00.

922-011141

The applicant was 47-years-of-age, a taxi driver and living in Toronto. He was assaulted by a passenger in his cab.

The offender ripped the microphone from the cab and then kicked and punched the applicant, as well as hitting him over the head with the microphone. The offender fled and the applicant was able to call for help. The applicant was taken to the hospital where he remained for ten days. He suffered multiple bruises and abrasions, a minor concussion and a fractured left ankle. The ankle was in a cast for two months and it was three months before the applicant could return to work. He also suffered from post-traumatic depression. The applicant claimed that his dentures had been damaged and the Board advised that upon confirmation from a dentist along with an estimate for the repairs, the Board would cover the expense pursuant to Section 25 of the Act.

In addition, the applicant agreed to submit his previous two years' tax returns so the Board could consider an award for lost wages.

The offender was convicted of assault causing bodily harm.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $71.25 (crutches, drugs); 7(1)(d) pain and suffering $4000.00 and 7(1)(f) other pecuniary loss $225.00 (hospital records, hospital reports), for a total award of $4296.25.

200-5702

The applicant, a 33-year-old Toronto Transit Commission bus operator, was on duty when two male passengers boarded his bus and began using obscene language. The bus operator cautioned the men, but they continued to use obscene language in very loud voices, causing concern to the passengers.

The applicant stopped the bus and told the men to get off. They refused and the applicant left the bus and called police. The two males then assaulted the applicant with their hands and feet. The applicant sustained multiple abrasions and contusions to his head, face, knee and hand. His wounds were cleansed and x-rays revealed no fractures. He was able to return to duty in four days time. His loss of income was covered by Workers' Compensation Board.

The offenders were convicted of assault causing bodily harm and each sentenced to three months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $6.20; 7(1)(d) pain and suffering $400.00 and disbursements payable to the TTC Legal Department $20.00, for a total award of $426.20.

922-010946

The applicant was 20-years-old, unemployed, and lived in Sault Ste. Marie.

Shortly after midnight, the applicant, who is an epileptic, was waiting for his friend who was using the telephone in a phone booth, when he took an epileptic seizure and as a direct result of his medical condition kicked in the side of the phone booth. Shortly thereafter, the offender, who is known for his violent temper, came by. An argument ensued between the offender and the applicant and the offender pushed the applicant through a glass door of a nearby grocery store and then struck him with a baseball bat and fled the scene.

The applicant suffered a fracture of the mandible (jaw) requiring surgery and installation of interdental wiring which was removed six weeks later. The applicant also suffered a comminuted fracture through the base of the metacarpal of the right thumb to which a cast was applied. Several months later, after complaints of persistent pain, it was discovered that the thumb fracture had developed non-union. Surgery was performed and a plastic implant installed. He made a good recovery from his injuries.

The offender was charged with weapons dangerous and assault causing bodily harm and sentenced to 90 days in jail concurrent on each charge and prohibited from carrying a weapon for five years. The applicant was charged with mischief to private property with regard to the damage to the telephone booth and was given a conditional discharge plus probation for three months.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00; 7(1)(d) pain and suffering $2500.00; solicitor's fee $225.00 and disbursements $345.00, for a total award of $3090.00.

922-011817

The applicant was a 49-year-old recipient of Mother's Allowance living in St. Catherines.

As she answered the door of her home, the offender demanded to be let in and said she was going to harm the applicant's daughter. The applicant refused to allow the offender to enter. The offender became enraged and pulled the applicant by her hair down a few steps, and then sat on her and banged her head repeatedly on the pavement.

The applicant sustained injuries to her right rotor cuff affecting the supra and infra spinatus, the sub-scapularus (shoulder blade) and teres minor/major muscles. However, for several months after the incident, the applicant experienced pain and functional limitations. The applicant also sustained ligamentous injuries to the cervical spine resulting in mechanical instability. This allowed her disc material to bulge intermittently exerting pressure on the dura mater causing pain in the neck and head. This has caused disability such that she is unable to perform any physical activities that require frequent turning of her head. Her prognosis is poor. The applicant has since been unable to work at her part-time job of house cleaning.

The offender was sentenced to 30 days in jail plus two years probation for assault causing bodily harm.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss to the victim (24 months at $100.00) being the net loss in wages, $2400.00; 7(1)(d) pain and suffering $3000.00; solicitor's fee $300.00 and disbursements $347.64, for a total award of $6047.64 plus a periodic award of $100.00 per month, to be paid until she is 65 years old, subject to periodic review.

922-012071

The applicant was 62-years-old, a disability pensioner, and lived in London, Ontario.

At approximately 6:45 p.m., the applicant was on his way home when, without any provocation, he was assaulted by the two offenders. They struck the applicant in the face and when he fell, kicked him several times around the head and body, robbed him and then fled the scene. The applicant suffered severe facial cuts and bruises which required suturing, fractures of both zygomatic arches (cheekbone) and the infraorbital margins (eye injury) with minimal displacement not requiring surgery.

He also suffered an aggravation of a pre-existing back problem. As the facial pain and discomfort did not subside it was discovered that as a direct result of the assault, the mandible (jaw) had become infected. The applicant was admitted for surgery where a wire from an old injury of the mandible was removed. He was hospitalized for seven days and is now left with some facial pain and numbness.

The offenders were charged with robbery and sentenced to six months in jail each.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2000.00, for a total award of $2000.00.

922-011651

The applicant was 21-years-of-age, employed as a machine operator in an electronics plant and residing in Carrying Place.

The applicant had gone to a hotel in Trenton with several friends and there was introduced to the offender. As the applicant was preparing to leave, the offender asked her for a ride home since he lived in her direction. Though she had some qualms about doing so, she was reassured by her friends who claimed to know the

offender well. The applicant drove to a milk store to buy a pack of cigarettes and the offender insisted on going in to buy the cigarettes as payment for the ride.

On returning to the car, the offender offered one of his own cigarettes to the applicant and appeared to be retrieving her pack from his pocket, but instead took out a knife and held it to the applicant's throat while pulling her head back. He told her to drive to an isolated area behind the armed forces base. The applicant stalled for time and when she began crying, the offender burned her hand with his cigarette. She then managed to get her car door open, landed on the ground and escaped.

Medical evidence showed that at the time of the occurrence the applicant was undergoing psychological treatment. The assault severely complicated this process and had a serious impact on the progress she had made to that point. The stress situation lasted three months and only then was emotional stability regained. The applicant missed 18 days of work which was not covered by employee sick benefits.

The offender was convicted of assault with a weapon and sentenced to eight months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $156.00 for travel for treatment and expenses over OHIP; 7(1)(b) pecuniary loss $478.97 for lost income; 7(1)(d) pain and suffering $1500.00; 7(1)(f) other pecuniary loss $72.66 for travel expenses to the hearing, for a total award of $2207.63.

922-011717

The applicant was 19-years-of-age and employed as a gas station attendant.

While working at a gas station in Sault Ste. Marie, two men entered the premises and demanded money. The applicant advised them he only had access to the money in the cash register and that the rest was in a safe to which he did not have access. The two offenders took the available money, then ordered the applicant into a back room. As he turned toward the back room, one of the offenders shot him in the thigh. The offenders then fled.

Police were notified and the applicant was taken to hospital where he was treated for a gunshot wound to the right thigh. The bullet passed through his leg and no surgery was required. The applicant was unable to work for 23 days but made a good recovery. His lost wages were recovered from the Workers Compensation Board.

The offenders were convicted of robbery, weapons dangerous and wounding.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00 (ambulance); 7(1)(d) pain and suffering $800.00; solicitor's fee $125.00, for a total award of $945.00.

922-010660

The applicant was 21-years-old, a student, and was doing part time work. At approximately 1:00 a.m., he and some friends were socializing in a pub in Ottawa University in which the applicant and his friends were students. The offender and his friend were also in attendance and had become somewhat obnoxious and were asked to leave by the staff.

The applicant and his friends left the pub and while the applicant was using a phone on the premises, the alleged offender approached the group and indicated he wished to buy drugs. When told there was none, the alleged offender left and scuffled with a friend of the applicant. When the applicant attempted to act as a peacemaker, he was stabbed three times. He was hospitalized for five days. He sustained a stab wound to the left chest, left abdomen and left back and a large hemothorax (bloody fluid) in the left chest. A chest tube was inserted and some was removed 36 hours later. He made a good recovery although some body scarring remains.

The alleged offender was charged with assault, but acquitted.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $128.00 being net loss of wages for 4 days: 7(1)(d) pain and suffering $3500.00; 7(1)(f) other pecuniary loss $203.00 being doctor's reports and travel expenses; solicitor fee $150.00 and disbursements $51.25, for a total award of $4032.25.

922-011519

The applicant, a 28 year old quality control operator, was drinking in the company of acquaintances in a hotel in Owen Sound. The offender and a friend were among the patrons on this evening.

An argument developed between the applicant and the offender as a result of the offender making disparaging remarks about the applicant to the applicant's wife. Some scuffling ensued among members of the group as they left the hotel, but this was broken up. After departure,

while the applicant was in his car and stopped at a red light, the offender's companion kicked the side of the car. The applicant jumped out of his car and the offender knocked him to the ground with a punch and then proceeded to kick him in the face and body. The offender then fled.

The applicant sustained fractures on both side of his jaw, necessitating wiring of the jaw for seven weeks, lacerations to the face and chin, severely bruised ribs and a laceration of the tongue. He suffered some discomfort especially in regard to the wiring of his jaw and the problems with eating. He also suffered some dental damage as a result of this occurrence and received treatment for some, in conjunction with treatment for other dental problems not attributable to this occurrence.

The offender was convicted of assault causing bodily harm and sentenced to one year in prison. The applicant was apprised of Section 25 of the Act in regard to future dental work.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $167.50 for dental treatment and expenses above OHIP; 7(1)(b) pecuniary loss $991.00 which was net loss of wages for seven weeks; 7(1)(d) pain and suffering of $2000.00: 7(1)(f) other pecuniary loss $79.38 for travel to the hearing; solicitor fee $300.00 and disbursements $287.88, for a total award of $3825.76.

922-012740

The applicant was 59-years-old, unemployed, and lived in Kingston.

At approximately 6:30 p.m., the offender, an acquaintance whom the applicant had not seen for several years came to the applicant's home for a visit. After a short visit, the offender left to return at approximately 10:55 p.m. and asked to stay overnight. The applicant who was expecting company refused this request and asked the offender to leave and opened the door. The offender then pulled a knife and stabbed the applicant several times and then fled. The applicant was hospitalized for five days. He suffered from multiple stab wounds to the chest, back and left pneumothorax (pleural cavity). Suturing was carried out and chest tubes inserted. Some were removed before the applicant was discharged from hospital. The applicant made a good recovery but some body scarring remains.

The offender was found guilty of assault with a weapon and sentenced to two years.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $3000.00; 7(1)(f) other pecuniary loss $31.00 for travel to the hearing; solicitor fee $300.00 and disbursements $165.50, for a total award of $3496.50.

200-1659

This application was originally begun by the applicant's father on behalf of the 10-year-old victim. The application was abandoned by the father and his solicitors in 1978, when correspondence was discontinued. The victim, now 20-years-old, has pursued the application himself with his solicitors.

The applicant was a 10-year-old student living in Toronto. At approximately 5:00 p.m., he was going on an errand for his mother when he was suddenly struck by a pellet-like object in the side of this head. The missile was propelled from a distance of about of 40 feet by a slingshot or some type of pellet gun. There was no loss of consciousness.

The boy ran home and his father extracted the object from his cranium before going to hospital. It was diagnosed that the missile had penetrated more than two centimetres into his head. He was taken to the operating room on the day of admission, and a debridement of the wound was carried out. He remained in hospital for one month. During that time he was given analgesics for headaches and anti-convulsants to decrease the risk of seizure. He was continued on the anti-convulsant medication for two years. Although there was some concern about his vision, in particular a right field defect, it is fine today and he does not wear glasses. The applicant, who is now 20-years-of-age, says he now has only an occasional feeling of pressure which he experiences at the back of the head. Otherwise he has made a full and satisfactory recovery.

The offender (who was 13) was found guilty of intent to wound and possession of weapons dangerous.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $3000.00.

922-011572

The applicant, a 24-year-old grinder operator, was in a Kitchener club where shuffleboard was being played. The offender was sitting on the board and refused to allow the applicant and his companion to play. The applicant

approached the offender and remonstrated with him for not moving. A scuffle ensued, in the course of which the applicant was stabbed twice by the offender, who was armed with a knife.

The applicant sustained two stab wounds, one to the chest and one to the back and was in hospital for one week, four days of which were in intensive care. He was off work for a total of three weeks. The offender was charged with wounding and was sentenced to 18 months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00; 7(1)(b) pecuniary loss $177.54; 7(1)(d) pain and suffering $2500.00; 7(1)(f) other pecuniary loss $18.00. An interim order for a doctor's report was made under section 22 of the Act for $100.00. The total award was, therefore, $2815.54.

922-010547

The applicant, a 34-year-old self-employed taxi cab driver was stabbed four times and robbed of $125.00 by two passengers whom he had picked up in the early hours of the morning on the date of the occurrence.

One offender grabbed the applicant and stabbed him in the chest with a knife. The other offender then clubbed him over the head and stabbed him in the back. The first offender then stabbed the applicant twice more in the back. The wounds to the applicant's back and chest were treated at hospital, following which he was treated for emotional trauma. He was released after two days.

One of the offenders was not able to be identified. The other offender was charged with wounding and sentenced to 8 years in prison.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00 and 7(1)(d) pain and suffering of $1000.00, for a total award of $1020.00.

922-010977

The applicant, aged 38 and a metal polisher, was assaulted by his nephew in Toronto. Prior to that date, the nephew had lived in the applicant's one-bedroom apartment, along with the applicant's brother and his family who were recent immigrants. Because of personal problems, violent arguments, etc., the nephew and brother's family moved out of the apartment. The nephew attacked the applicant and his brother with two serrated-edge knives in a parking lot after they had visited the new premises, and had been asked to leave after a dispute.

The applicant was taken to hospital and was treated for stab wounds to his chest and multiple lacerations to the forearms. He also suffered injury to the ulnar nerve of his left forearm, and was in hospital for nine days. Medical evidence indicates that the applicant was able to return to work some 3-1/2 months later. During convalescence, the applicant collected unemployment insurance, which was more than he earned as a net salary. He also received General Welfare Assistance. His claim with respect to loss of income did not substantiate a loss.

The offender was convicted of wounding.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses, $20.00 (ambulance), and 7(1)(d) pain and suffering, $2000.00, for a total award of $2020.00.

922-012170

The applicant, aged 20, claimed that he was assaulted at a tavern in Toronto at approximately 11:00 p.m.. He claimed that this assault took place in the parking lot of the tavern by an unknown assailant who has never been identified.

The applicant went to hospital and was found to have fractures of the left facial bones. These fractures required operative procedures to correct. The applicant stated to police that he was not sure when or where he got hit or really if he got hit at all. He told the officer he might have fallen. He did not cooperate with police. His original version was he was attacked at the tavern and then he said he was attacked in the parking lot of the tavern. The applicant admits drinking very heavily on the night of the assault. He claims amnesia for the period after the assault and even for several days after and yet he was able to direct the taxi to take him to his correct address at home.

The Board found that based on the many inconsistencies in the evidence, it was unable to establish that a crime of violence within the meaning of Section 5 of the Act had occurred.

922-010511

The applicant, a 19-year-old employed consultant, was injured in an occurrence in Toronto. The applicant was assaulted by a male who claimed he would assist her in finding an apartment to rent. The applicant was beaten with a gun. The applicant attempted to flee and

two passersby came to her aid. Police were notified.

The applicant sustained a fractured left collar bone (clavicle) which required strapping for six weeks. The applicant continued to experience pain and discomfort and subsequent tests revealed a non-union of the fracture. She still experiences discomfort in cold and damp weather. The applicant also suffered from severe emotional trauma and sought psychiatric treatment. The applicant's condition has improved, and she has discontinued treatments.

The offender was convicted of assault causing bodily harm and possession of a dangerous weapon.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $297.60 (medical reports); 7(1)(d) pain and suffering $5000.00 and 7(1)(f) other pecuniary loss $616.60 (travel expenses to hearing and doctor's report), for a total award of $5914.20.

922-011152

The applicant was 32-years-old and a police constable. He was assaulted while on duty in Toronto. He was assisting a fellow officer to restrain a prisoner, who tried to escape from lawful custody.

During the struggle, the offender lunged at the applicant, bit his thumb, grinding his teeth into it, and only let go after the other officer choked him around the neck. The constable's injury was treated at hospital and he was admitted for four days. Approximately one month later the wound had become infected, and the applicant was re-admitted for surgical treatment. The applicant was unable to work for six weeks.

The offender was charged with assaulting a police officer.

The Board found the applicant compensable under Section 5(b) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $1000.00, for a total award of $1000.00.

922-011588

The applicant, a 64-year-old janitor-carpenter, was injured as the result of an assault in Kitchener.

The applicant and the male offender resided in the same apartment. On the evening of the assault, the offender came to the applicant's apartment. They had two beers and talked for 15 minutes. Suddenly, the offender struck the applicant, knocking him to the floor and kicking him several times. The applicant said he did not provoke the offender in any way. His injuries were diagnosed as multiple bruises, abrasions and minor lacerations to his face and neck. He also sustained five fractured ribs, a partially collapsed lung, and subsequently developed surgical emphysema. He remained in hospital for 20 days. He experienced pain and discomfort in the rib area for several months but has made a complete recovery. He was off work for four months.

The offender was convicted of assault and sentenced to 21 months in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $59.29 for ambulance and drugs; 7(1)(b) pecuniary loss $1337.98 for net loss of income; 7(1)(d) pain and suffering $2500.00: 7(1)(f) other pecuniary loss $25.00 for hospital records, for a total award of $3922.27.

922-010953

Upon the advice of his counsel, the applicant advised the Board that he was unable to recall events which had transpired over a period beginning about three weeks prior to the assault and his powers of recall were extremely impaired at the date of the hearing. The Board continued with the hearing upon conditions to which the applicant and his counsel agreed to be bound: that he declined an offer to adjourn; his loss of memory was unrelated to the assault, and that the Board would rely on limited relevant evidence of the applicant, police witnesses and documentation filed with it.

The applicant was 37-years-of-age, residing in Cambridge and on social assistance due to a cardiac disability. He stated that he knew the offender as a friend over a limited period of time. The offender had a reputation for violence of which the applicant was aware. The offender, his common-law wife, and others were drinking in a tavern and the offender left and returned to the applicant's apartment. At about 1:30 a.m., the applicant and the offender's wife returned to the apartment and discovered the offender apparently asleep on the couch in the living-room. The applicant and the offender's wife retired to the applicant's bedroom and undressed for bed. The applicant partially disrobed, went into the living room where he was attacked by the offender wielding a kitchen knife.

The applicant sustained 17 stab wounds to his left side, one of which severed the left femoral

artery (thigh – iliac). The blood loss required 28 units of packed cells and 15 units of plasma. He was in hospital for 25 days having developed severe respiratory distress syndrome and jaundice. In January, the applicant underwent a left iliofemoral bypass graft to improve the flow of blood to his left leg. A medical report indicated that he would have permanent numbness in his left thigh although he is likely to get over his limp.

The offender was charged with attempted murder which was reduced to wounding and sentenced to three years in prison. The Board will investigate the possibility of subrogation under Section 26 (2) of the Act.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $4500.00 (reduced); solicitor fee $275.00 and disbursements $604.74, for a total award of $5379.74.

200-9965

Publication prohibited and in camera.

Same occurrence as File No. 200-9966. The applicant is a 29-year-old mobile refrigeration mechanic. The applicant, his wife and children were residing in Nepean, Ontario. At about 4:00 a.m., the applicant was awakened with the realization that he was being attacked by an assailant wielding a knife. Notwithstanding the force of the attack coupled with the pain of his wounds, the applicant responded by attempting to struggle with his assailant whom he recognized as a long-time friend. The applicant's wife, awakened by her husband's shouts, fled the bedroom but was pursued by the assailant who attacked her on the stairway with a knife and was only deflected from further attack when the applicant herein struck him repeatedly with a lamp. The applicant's wife ran from the house and got help.

The assailant was well known to the applicant and his wife, as they had been friends for approximately four years and he had lived with the applicant and his wife in their home for a period of ten months prior to this incident and had suddenly disappeared without explanation. Police investigation unearthed no motive for this attack.

The applicant sustained a deep puncture wound on the right side of the neck and three stab wounds in the right shoulder, two deep lacerations to the right arm, four in the forearm and two in his right hand. He also experienced six stab wounds in the thigh area and one large stab wound in the leg. On the left thigh was a stab wound close to the groin going medially, away from the major vessels and nerves. The applicant was in hospital for four days and was discharged subject to overview by his doctor. There should be no permanent disability. A psychological assessment indicates that the trauma arising from the attack continued for a considerable period of time and was considerably aggravated by the feeling of betrayal as the attack had been carried out by someone considered by the applicant and his wife as a close friend. The applicant was unable to function in his normal tasks at his former job and to that and his employer was compelled to discontinue that particular segment of his operations leaving him without work for a period of time.

The offender was convicted of attempted murder and wounding and sentenced to life imprisonment. He plans to appeal.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $1288.00 which was the net loss of wages for two month; 7(1)(d) pain and suffering $5500.00 of which $1000.00 has already been paid in interim awards; 7(1)(f) other pecuniary loss $1156.83 which included $506.33 for new locks and $650.00 for maintenance while they were disabled; solicitor fee $350.00 and disbursements $367.25, for a total award of $8662.08.

200-9966

Same occurrence as File No. 200-9965. Publication prohibited. The applicant, a 24 year old housewife residing in Nepean, was the victim of a stabbing. The offender, a close friend of the applicant and her husband had been a boarder in their home for approximately 10 months and then suddenly disappeared, leaving his belongings behind. One month later, at approximately 4:00 a.m., he gained access to the applicant's home by way of a garage door connected to the house, which had been left unlocked by a house guest. The offender then made his way to the master bedroom where he began to stab the applicant's husband. The applicant ran down the stairs to the front door but was stopped by the offender who attacked her with a knife, until he was struck with a lamp by the applicant's husband.

The applicant was treated for multiple puncture wounds and lacerations. Her most serious physical injury was an almost complete amputation of the left index finger. A specialist was

brought in to perform the fracture reduction and layered repair of the extensor tendons. The entire hand and forearm were then stabilized in plaster and reinforced by padded dressing. The applicant was discharged the following day and started on a physiotherapy programme. Over the next seven months the finger injury failed to respond adequately to treatment and the applicant underwent surgical procedure to correct the tendon deficit. With more physiotherapy the applicant showed steady gradual improvement, but is left with a ten degree lack of extension and flexion as well as some discomfort in that area. She had adjusted well to the finger movement limitations by substituting her middle finger to perform powerful pinch motions. As a result of this condition, there exists the real possibility of degenerative arthritis in the future and if so, the need of a surgical implant of a plastic joint. The applicant was apprised of Section 25 of the Act in this regard.

After four months of counselling sessions, the applicant has steadily progressed to an acceptable level of emotional stability, whereby she was capable of accepting what happened to her.

The offender was charged with attempted murder and convicted of assault causing bodily harm and sentenced to life imprisonment. He is appealing the decision.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $3500.00 and solicitor fee $300.00, for a total award of $3800.00.

922-011191

The applicant was 34-years-of-age and was employed as a welder. The applicant and a friend were at a restaurant in Paris, Ontario. When their food arrived, there was a soft drink included and charged to their bill that they had not ordered. The applicant returned the soft drink and a heated argument ensued with the restaurant owner's son. The owner suddenly grabbed a butcher knife and stabbed the applicant. Police were notified and the applicant was taken to hospital where he was treated for a puncture wound to the right upper arm, penetrating muscles below the shoulder. The applicant's wounds were sutured and he was released followed by six weeks of physiotherapy. The applicant was unable to work for 33 days.

The alleged offender was charged with assault causing bodily harm and acquitted at trial.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim of $280.00 (loss of income); 7(1)(d) pain and suffering $1500.00; 7(1)(f) other pecuniary loss $56.28 (travel to hearing); solicitor fee $350.00 and disbursements $119.13, for a total award of $2305.41.

922-011233

The applicant was 21-years-of-age, a doorman and floor manager at a tavern. On that date, he was escorting an intoxicated patron from the tavern in Burlington, when the patron punched him in the face, knocked him to the ground and stomped on his right knee. At the time of the assault, the applicant was recovering from a prior injury to his knee and the second assault seriously aggravated his condition.

The applicant was treated for damage to the right knee joint which required a cast to control the instability about the knee. The applicant developed a dermatitis under the cast and had to be hospitalized and have the cast removed. Despite extensive treatment, the applicant has continued to suffer pain and some functional disability. Extensive physiotherapy is projected but this treatment has been delayed due to the applicant's back problem. The applicant's loss of income was covered by the Workers' Compensation Board.

The offender was convicted of assault causing bodily harm.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $5000.00; 7(1)(f) other pecuniary loss $23.52: solicitor fee $275.00 and disbursements $322.18, for a total award of $5620.70.

922-011518

The application was made on behalf of the victim by her father. The victim was aged 12 and was babysitting for a neighbour when the offender entered the home, physically assaulted the victim and then sexually assaulted her several times. He then left the premises. The police were notified and the offender was apprehended.

The victim was taken to the hospital for treatment. Evidence before the Board indicated that the victim suffered from severe facial cuts and bruises, bleeding from her left ear and emotional shock. She made a good recovery from her injuries.

The offender was charged with rape and imprisoned for life.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $235.20 (travel for treatment); 7(1)(b) pecuniary loss – victim $180.39 (mother's loss of income); 7(1)(f) other pecuniary loss $84.00 (travel expenses to hearing) and to be held in trust for the minor victim the sum of $4000.00, for a total award of $4499.59.

922-010252

The applicant was 18-years-of-age, a student and living in Windsor, Ontario. On that date, in the early evening, the applicant was walking along a local street when she was accosted by the offender, threatened with a handgun, bound and gagged and left tied up in a nearby wooded area. The offender left only to return a short time later with a car in which he placed the applicant. He took her to another location and proceeded to sexually assault her over a period of two hours. He released the applicant shortly after midnight.

The applicant notified the police and was taken to the hospital. Medical evidence indicates that while the applicant suffered no physical injury, she suffered severe emotional shock. She made a good recovery; however, she is still somewhat apprehensive. The Board noted that this application was filed after the limitation period and that an extension was granted.

The offender was convicted of rape and kidnapping.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $3000.00, for a total award of $3000.00.

922-010863

The applicant, a 21-year-old office worker, was abducted by a man with a knife as she entered her apartment building in Burlington. He drove the applicant to a secluded area and forced her to perform fellatio. The offender attempted to rape her and then buggered her. He threatened to harm her and her family if she told anyone about the sexual assault.

The applicant was later examined at hospital where she was observed to have a number of scratches and bruises. She also developed a case of genital herpes which has since subsided but which caused discomfort and some problems in her recent marriage. The applicant was unable to work for three weeks, and her husband stayed home from work for a week to give her reassurance. The scars from this incident are more emotional than physical. The victim has suffered from depression, feelings of worthlessness, guilt and inability to sleep. She is too fearful to go out alone at night and regards strange males with apprehension. The applicant has not received psychiatric treatment but has attended marriage counselling.

The offender was found guilty of gross indecency, kidnapping, and buggery. He was declared a dangerous offender and sentenced to an indefinite jail term.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $10,000.00; solicitor's fee $300.00: disbursements $59.08 and loss of income and travel expenses for the applicant's husband $373.52, for a total award of $10,732.60.

922-011702

Publication prohibited and in camera. The applicant is the father of the 13 year-old-victim, his son. The victim's parents believed him to be on his way to an Army Cadet Camp. It was not until 12 days later, after receiving a telephone call, that they were made aware of the fact that their son had not arrived at his destination, but had instead been abducted and brought to the home of the offender. The victim was finally located nineteen days later in Windsor following a tip to police.

It was discovered that over a one-month period, the victim had been sexually abused by the offender on a regular and frequent basis. According to police, the offender had cleverly coerced the victim into believing that his parents would reject him and harm him, should they ever see him again. In this way, the offender was able to secure the victim's trust and loyalty.

On being found, the victim was noted as have a severe contusion around his right eye, resulting in an infection which was treated with antibiotics. More severe was the emotional trauma manifested by feelings of guilt, anxiety and anger. The victim's behaviour was such that the parents were unable to cope and felt a total loss of control. Psychological and psychiatric therapy was started and was stepped up when the victim's behaviour deteriorated to the point of physical violence and criminal activities. He has now had to be put into a security facility which provides the care and discipline needed for his problems. The victim has had emotional problems since age 10. The abduction and the ensuing month of sexual abuse brought these problems to the surface where the victim was

unable to maintain control due to his immaturity. There is hope for improvement within special training schools.

The offender was convicted of abduction and indecent assault and was sentenced to three years in prison.

The Board found the victim compensable under Section 5(a) of the Act and noted that the abduction exacerbated the victim's emotional problems and awarded compensation under Section 7(1)(d) pain and suffering $5000.00 payable to the Accountant of the Supreme Court of Ontario until the applicant reaches age 18; solicitor fee $500.00 and disbursements $175.00, for a total award of $5675.00.

200-8230

The applicant is the mother of her minor daughter, the victim. Shortly before midnight the victim, then 13 years of age, was babysitting near her home in Elliot Lake. She was asleep in a chair in the living room when she was attacked by a drunken man with a hammer. The man was the uncle of the child she was babysitting, and there was never any explanation for the attack.

As a result of being struck a number of times, the victim sustained two skull fractures with deep lacerations and two fractured fingers, the left middle finger and the right ring finger. One skull fracture was depressed and had to be surgically elevated. The deep lacerations had to be cleaned and sutured. Both fingers required surgical repair, one with a splint. The victim was hospitalized for five days, but was unable to return to school for two months. She had been left with minor scarring about the head. The finger on the left hand is acutely sensitive at the tip and the finger on the right hand is stiff and had limited movement. There was a claim for loss of intellectual capacity including loss of memory and lack of concentration. The victim's mother also testified to her lack of responsiveness. She failed two of her next three years in school, however, school records showed reasons not necessarily related to the incident. The Board found that based on the medical evidence there was no doubt some emotional and physical effects of this attack which could affect the attitude and performance of a student, but there was no satisfactory evidence to establish a diminished intellectual capacity.

The offender was charged with wounding and weapons dangerous and given a suspended sentence.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $67.20 for travel for treatment; 7(1)(d) pain and suffering $7000.00 of which $5000.00 was paid by the offender's mother directly to the victim's mother, thus leaving $2000.00 payable to the Accountant of the Supreme Court of Ontario until the victim reaches age 18; 7(1)(f) other pecuniary loff $292.40 for travel and loss of income to attend the hearing, for a total amount paid of $2764.60.

922-011616

Publication prohibited and in camera. The applicant was a 49-year-old woman employed as a part-time bookkeeper.

In Mississauga, while driving home one winter the applicant's car went into a ditch and the offender came out of a house nearby and offered to let her use his telephone to call a tow truck. Once she was in the house, she was brutally assaulted by the offender and subjected to many sexual acts. At one time, she lost consciousness and when she awoke, her wrists were tied. The offender threatened to use a gun or knife on her, and kept her prisoner for over three hours.

She was treated for bruising and ecchynosis (skin discolour) on both sides of her face and contusions to her upper and lower lips and a subconjunctival (eye) haematoma. She was found to have tenderness in the orbital rims of the left maxila and a blow-out fracture of the left orbit (eye). There were many contusions of the neck and shoulder area, the inside of both upper arms, left breast and right upper chest. There were abrasions over the back of the left and right shoulders and contusions over the back of both forearms and hands and in the inner aspect of the left thigh. A laceration of her left eyebrow was sutured. The applicant had to have surgical repair of the blow-out fracture of the left orbit. Because of her appearance, the applicant was forced to remain in her home for several weeks until the bruising and swelling disappeared. The applicant is left with permanent double vision on upward gaze, which is corrected with eyeglasses which must now be worn all the time, but she finds her visual problems interfere with some things, such as her favourite sport curling. The applicant was unable to work at her part-time job for two months. Ten sessions of counselling helped her in dealing with the trauma of the assault. She still has trouble dealing with the post-traumatic symptons.

The offender was found as 'dangerous' and received an 'indeterminate life sentence' plus an additional three years for gross indecency.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $270.0 for drugs, dentist, new eyeglasses and costs over and above OHIP; 7(1)(b) pecuniary loss $500.00 for two months away from her part-time job: 7(1)(d) pain and suffering $10,000.00, for a total award of $10,770.00.

922-011108

The applicant, aged 24, unemployed, had been drinking with a friend in Peterborough. When the bartender who was a friend of his joined the applicant's table, four men at a nearby table proceeded to make nasty remarks involving the applicant's and the bartender's sexual proclivities.

This baiting was ignored and soon the applicant got up to leave. Once outside, he became aware that he was being pursued by two of the four men who had been insulting him. They caught up to him and one of them assaulted him. They were frightened off by the approaching headlights of a car driven by another of the four men. He assisted the applicant into his car to take him to hospital. The applicant suffered bruises and contusions to his head, chest and sternum (chest-bone) and a broken finger. He had surgery on the broken finger. Wires were inserted to fuse the bone and were not removed until February 10, 1983. Therapy was required for one month and healing progressed well.

The offender was convicted of assault causing bodily harm and sentenced to 30 days imprisonment.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $1,800.00; 7(1)(f) other pecuniary loss $17.30 (travel expenses); solicitor's fee $300.00 and disbursements $127.86, for a total award of $2,245.16.

922-011292

The applicant, a bus operator aged 35, was asaulted by the offender on a bus which he, the applicant, was driving.

The offender entered the bus and took a seat without paying the required fare. He was twice requested to do so, but became belligerent and was asked to leave the bus. At this time, he began punching the applicant. Other passengers went to the applicant's assistance, and he was thus able to hold the offender until police arrived. The applicant was treated for his injuries at the hospital and by his family physician. He was supplied with a cervical collar for a blunt trauma of the right side of his neck. He also sustained muscle bruising in the right arm and hand, for which he took physiotherapy treatments. He was off work for about one month.

The offender was charged with assault causing bodily harm and sentenced to 30 days in jail plus one year probation.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss $144.80, being the amount of wages not covered by Worker's Compensation; 7(1)(d) pain and suffering $1,500.00 and disbursements payable to the Toronto Transit Commission Legal Department of $180.00, for a total award of $1,824.00.

922-012103

The applicant was 31-years-of-age, unemployed and living with the offender in Toronto.

Without provocation or warning, the offender assaulted the applicant in their bedroom, striking her with his fists and scoring her lower back, thighs and buttocks with his keys. The applicant was able to escape and call police. She was treated in hospital for lacerations to her face, legs and back. After psychiatric assessment for acute crisis, she was released. Medical evidence indicates that although the upper scars might fade, the very visible scars on the thighs could be permanent.

The offender was convicted of assault causing bodily harm and sentenced to 15 days in jail.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $2,000.00, for a total award of $2,000.00.

922-010926

At approximately 1:30 a.m., the applicant, a 25-year-old superintendent of an apartment building in Toronto, was assaulted by unknown persons while putting out the garbage. He lost consciousness and came to himself at about 8:00 a.m.

The applicant was taken to hospital and was treated for lacerations to the scalp and nose and bruising to the shoulders and back, as well as swelling to the face and hands. The applicant was left with a small permanent scar on his face and was frightened and felt the need to vacate his apartment.

The police strongly suspected that the alleged offender was a tenant in the same building; however, no one was apprehended.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $20.00 (ambulance) and 7(1)(d) pain and suffering $1,400.00, for a total award of $1,420.00.

922-010419

The applicant was 62 years of age and a sign painter.

He was assaulted in Toronto in an attempted robbery. He was punched in the face and knocked down and then kicked in the ribs. His assailant has never been apprehended by the police.

The applicant was treated by his doctor for headaches and soreness in his chest and neck. He was later diagnosed to have three fractured ribs. As a result, the applicant was unable to perform his work for two months. He still complains of headaches and occasional pain in his ribs.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(b) pecuniary loss – victim $1,000.00; 7(1)(d) pain and suffering $1,200.00, for a total award of $2,200.00.

922-011524

The applicant, a 29-year-old security guard, woke up in a stranger's car at 5:00 a.m. somewhere near a Scarborough hotel in Toronto. When he left the car, he realized that he had been robbed of his wallet and jewellery and that he had been injured.

The applicant told the Board that he remembers nothing of what happened after he left the hotel until he woke up in the car. He admitted that he was intoxicated. Little could be done by the police, as the applicant was unable to identify either the offender or his assailants.

That afternoon, the applicant was treated at hospital for abrasions over his forehead and his left eye, on his chest and on his back. The medical report also indicates he may have suffered a slight concussion, although there was no evidence of any neurological injury. In addition, he suffered cervical and lumbar muscular sprain which required physiotherapy for about three months. He was off work for 13 weeks. The offenders have not been apprehended.

The Board found the applicant compensable under Section 5(a) of the Act, but gave a reduced award by virtue of Section 17(1) where the victim's behaviour is considered if it directly or indirectly contributed to his injury. The Board awarded compensation under Sections 7(1)(a) reduced expenses $25.00: 7(1)(b) pecuniary loss $200.00 (reduced); 7(1)(d) (reduced) pain and suffering $300.00, for total award of $525.00.

922-010934

The applicant was 63-years-of-age and was employed as a homemaker.

At approximately 6:30 p.m., the applicant was proceeding home, along a street in Sudbury, when an unknown person grabbed her purse and in attempting to keep her purse, the applicant fell and dislocated her shoulder. The unknown offender was successful in obtaining the purse and fleeing. The police were notified and the applicant was taken to the hospital where she remained for nine days.

The applicant had suffered a fracture and dislocation of her right shoulder. An open reduction was carried out and internal fixation was installed. The fixation was partially removed six months later. The applicant received physiotherapy and was unable to work for five months. The applicant made a good recovery, but is left with a minimal disability.

The alleged offender was never apprehended.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $247.00 (drugs, eye glasses, and travel for treatment); 7(1)(b) pecuniary loss – victim $947.65; 7(1)(d) pain and suffering $2500.00; 7(1)(f) other pecuniary loss $40.40 (hospital records) and solicitor's fee $200.00, for a total award of $3,935.05.

922-012169

This application is brought by the applicant on behalf of her retarded son.

The victim, age 19, was riding his bicycle on a street in Toronto, and was assaulted by an unknown male person. He was knocked down, kicked in the head, thrown over an embankment, and as a consequence, sustained several body injuries, the most serious being a severe fracture of the left mandible (jaw). He also sustained swelling to his face and a cut to his ear.

The victim was confined to the hospital for three weeks. His jaws were wired and he was

only able to take liquids. No offender was apprehended for this occurrence.

The Board found the applicant compensable under Section 5(a) of the Act, and awarded compensation under Sections 7(1)(a) expenses of $182.50; 7(1)(d) pain and suffering of $4,000.00 payable to the applicant for the benefit of the victim; and 7(1)(f) other pecuniary loss of $21.00 for a total award of $4,203.50.

922-010282

The applicant, aged 27, a restaurant hostess, went to a hotel in Midland with her common-law husband. They had an argument and returned home. The argument continued and ended with the offender striking her several times. The applicant stated that they both had been drinking all evening. The applicant said they had lived together for nine years and he had assaulted her seven times prior to this occurrence, but she never reported the assaults to police. The offender also had a criminal record and during the nine years was never steadily employed.

The applicant did not report this assault to police, but her family did. She told a police constable that it must have been her husband who beat her, but was vague on details. The applicant sustained multiple bruising of the face, arms and hands, a laceration of the forehead and two fractured ribs. She subsequently developed tension pneumothorox which required the insertion of a tube in the left chest area. Hospital records state the applicant had been drinking, refused suturing and would not cooperate with hospital staff during the eight days she was hospitalized. The applicant felt that she was not able to work for four months, and that she was unable to find work for for another two months after that. She did not receive unemployment insurance as she chose not to apply for it.

The offender was convicted of assault causing bodily harm and sentenced to eight months in jail which was reduced to four months on appeal.

The Board considered the injuries and the fact that the applicant stayed with the offender after being assaulted on several occasions as well as her awareness of the offender's criminal activities during the nine years they were together. The Board, therefore, invoked Section 17(1) in that the behaviour of the victim may have directly or indirectly contributed to his injury or death, and denied the application.

922-010920

The applicant, a 30-year-old postal clerk, applied for compensation as the result of an alleged mugging that took place in Toronto. As a result of the mugging, the applicant suffered a severe eye injury. However, the applicant did not report the incident to the police until two and one-half months later.

The Board heard testimony from two witnesses who indicated that the applicant was asked on two separate occasions whether he had reported the incident to the police. They advised him to do so. The applicant argued his failure to report the incident was as a result of his severe eye injury and in addition, because of a warning he had received from the mugger against reporting to the police.

The Board noted that the applicant had returned to work one month after the offence took place, and at that time the major trauma had been resolved. The report to police was not made for a further six weeks. The Board invoked Section 17(2) of the Act and denied the application on the grounds that the applicant had failed to report the offence promptly to a law enforcement agency. However, the Board awarded under Section 22 solicitor's fee $200.00 and disbursements $85.00, plus a supplementary order for a medical report $25.00, for a total award of $315.00.

922-010788

The applicant, age 28, and employed in the Accounting Department at a college, was present when her husband was assaulted. That occurrence is described in file 922-010789. The application in this case if for the emotional stress she suffered as a result of the assault on her husband.

Evidence before the Board indicated the husband sustained a severe head injury resulting in an acute personality change. Her husband exhibited extremely aggressive antisocial behaviour with paranoia and depression. Throughout this period, the applicant had the problems of continuing with her job, caring for her children and operating the household.

The applicant has suffered severe tension headaches and was prescribed tranquilizers to resolve the headaches but this was not successful. The applicant presently takes medication on a daily basis.

The Board found the applicant's headaches were the problems associated with her husband's convalescence and that she did not qualify under Section 5 of the Act. The

application was denied. The two offenders were convicted of assault upon the applicant's husband and were sentenced to two weeks plus $1,000.00 and four months in jail respectively.

922-012034

Same occurrence as File No. 922-012035. The applicant was 26-years-old, a recipient of Mother's Allowance and lived in Toronto. She was out on bail at the time. One of the offenders, and a co-accused undertook to supply a cheque-writing machine for the applicant to turn over to the police, (which would result in the dismissal of a charge against her), but supplied the wrong machine. The applicant then visited the applicant in file 922-012035 (her friend) who returned with her to the apartment. She was angry that the evidence was not produced and told her friend who in turn became angry.

There were conflicting stories and the Board considered the evidence adduced and the testimony of one of the investigating police officers. The Board considered the involvement of the applicant in the events leading up to the attack, namely bringing her friend on the scene for the purpose of persuading the offender to accede to the applicant's request for assistance, and her removal from the scene of the assault on the offender of a potential witness. As well the Board considered her highly selective testimony at the hearing.

The two offenders were charged with attempted murder but were convicted of the lesser included offence of wounding. The Board found that the applicant may have directly or indirectly contributed to her injury and cited Section 17(1) of the Act and denied the claim. The Board however, awarded costs under Section 22 of the Act to the solicitor fee $1386.80.

922-012035

The applicant was 33-years-of-age and an umemployed roofer. This application covers the same occurrence as File No. 922-012034. The girlfriend of the applicant was out on bail at the time and two of her male associates had undertaken to deliver evidence to her which would result in the dismissal of the charge against her. She became angry when the evidence was not produced and told the applicant who, in turn, became angry. Since there were conflicting stories, the Board considered the evidence adduced and the testimony of one of the investigating police officers.

The Board considered the involvement of the applicant in the events leading up to the attack, including his role as "persuader" at his girl friend's behest, assembling various weapons, one of which he used to assault the first offender and his confinement of the first offender.

The Board noted Section 17(1) of the Act which requires it to have regard to all relevant circumstances which may have contributed to the injury. The Board found that the applicant was in a very considerable sense the architect of his own misfortune and accordingly, denied this application for compensation. The two offenders were charged with attempted murder but were convicted of the lesser included offence of wounding. The applicant was beaten about the head with a baseball bat. Pursuant to Section 22 of the Act, the Board awarded to the solicitor for fee $300.00 and disbursements $152.40, for a total award of $452.40.

922-012658

The applicant was 33 years of age, unemployed, and on his way home from a hotel in Toronto where he had had a few beers. The applicant claims he was assaulted from behind, and only remembers waking in the hospital the next morning. The hospital phone police, and police responded, but the applicant refused to answer questions or co-operate. Witnesses at the hospital described the applicant as intoxicated. Police recorded the incident but no further action was taken. The applicant suffered lacerations to the left eyebrow and back, abrasions to back and scalp and bruising to the left ankle. The applicant left the hospital before receiving treatment. He returned the next day and had his wounds sutured. He sustained no fractures. The applicant did not pursue the matter further with police.

The Board found the applicant had refused to cooperate with police and medical authorities and denied the application pursuant to Section 17(2) of the Act.

922-011487

At approximately 11:00 p.m. the applicant, aged 24 and unemployed, was stabbed in the abdomen outside a convenience store in Ottawa.

The applicant had been in a nearby restaurant and lounge for about two hours prior to the occurrence. He had consumed about seven beers. He was on his way home and stopped at the store. He inadvertently stepped on a jean jacket of one of a group of youths outside the store and she took offence and swore at him. He responded in kind. He was then confronted

by three males each of whom had a knife. The applicant also pulled a knife. Two of the youths then fled. The applicant thought the third youth had put his knife away but wanted to teach him a lesson. he grabbed the youth's hair and began to hit him. The youth retaliated by stabbing the applicant.

As a result, the applicant received a 1.5 centimetre stab wound of the left abdomen. He underwent a laparotomy to determine if there were any internal injuries. A small laceration of the liver was noted, but there was no active bleeding and no other injuries. The applicant was hospitalized for eight days but has recovered with no disability. The applicant has been left with a scar from the surgical incision, which causes occasional discomfort. The applicant incurred hospital expenses of $1800.00, but his solicitor is trying to arrange retroactive OHIP coverage.

The offender was found guilty of assault causing bodily harm and was sentenced to one year in jail.

The Board noted the quantity of alcohol consumed, the victim's engaging in a verbal confrontation, the fact that the victim was carrying a knife and also the fact that the victim voluntarily undertook to "teach a lesson" to the armed offender. The Board feld he willingly assumed the risk of violence. The Board therefore, invoked Section 17(1) in that the behaviour of the victim directly contributed to his injury and denied the application. Under Section 22 of the Act, the Board awarded $90.00 to the solicitor in costs.

922-011044

With the consent of the applicant, the Board heard this application on the documentary evidence submitted and representation by counsel.

The applicant, a 35-year-old condominium manager, was assaulted in Thornhill. The applicant's wife had been pushed and shoved with a sharp shopping cart by the alleged offender. When the applicant protested, he was knocked to the ground and bitten on the right eyebrow.

The applicant had a large defect of the upper eyebrow and eyelid. He required an initial skin graft to close the wound and five months later another graft to replace the eyebrow with hair from the scalp. He was then left with significant scarring and has suffered considerable emotional trauma.

The Board awaited the outcome of the offender's appeal of a conviction of a charge laid by the applicant of assault causing bodily harm. The original sentence was three months in jail. The appeal judge found that the applicant assaulted the alleged offender when the alleged offender refused to apologize for verbally assaulting the applicant's wife. It was in response to this assault that the applicant was himself assaulted and received his injuries.

The Board accepted the findings of the appeal court ". . .that neither side conducted themselves in a reasonable and proper or intelligent manner." The Board also accepted the finding of the court that the applicant assaulted the alleged offender prior to being assaulted himself, and took all these matters into account in arriving at its decision. The Board advised the applicant's solicitor that if further reconstructive surgery was required the costs would be covered under section 25 of the Act.

The Board found the applicant compensable under Section 5(a) of the Act and compensation was awarded under Sections 7(1)(d) pain and suffering $1500.00; 7(1)(f) other pecuniary loss $130.00 and solicitor's fee $250.00, for a total award of $1880.00.

922-011006

With the consent of the applicant, the Board heard this application on the Documentary evidence provided. The applicant, unemployed, lived in Milton and was 24 years of age. On that afternoon, the offender picked up a woman at her home and drove her to his house at approximately 2:00 p.m. Her intention was to have a drink. At approximately 4:00 p.m. after having had several drinks, the applicant arrived looking for her and she hid in the bathroom where the applicant found her. Following this, the applicant and the offender had several more drinks and a scuffle developed over the price of the ticket to the dance which the woman had given to the offender, the uncle of the applicant. After the scuffle had gone on for some time, the offender announced that he was going to get a knife and get rid of the applicant.

Despite the warning, the applicant did not leave and the offender returned with a knife, lurched at the applicant who attempted to grab the knife, and subsequently the offender stabbed the applicant in the lower left abdomen. The applicant also received a cut in his hand as a result of trying to grab the knife. The applicant was operated on for repair to his intestines and stomach wall and discharged eleven days later. There is no permanent physical disability. The applicant has lengthy record of violent offences. The documentary evidence before the Board

was substantially corroborated by the investigating police officer.

The offender was originally charged with attempting murder but was convicted of wounding and was sentenced to eight months in jail and one year probation.

The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $1000.00 which was a reduced amount based on Section 17(1) of the Act because the victim had contributed to his injury by consuming alcohol and by failing to leave the premises after the first argument.

200-9752

The applicant's father (the victim) aged 64 and a chronic alcoholic was assaulted by two offenders who lived in the same rooming-house in Toronto as the victim.

The first assault resulted from an altercation between the first offender and the victim, when the victim kicked in the offender's door for no apparent reason and then left. The offender followed the victim to his room and when no explanation was given, he struck the victim several times causing the victim's nose to bleed. The victim did not seek medical attention for this assault.

The next day the victim repeatedly entered the room of the second offender, without permission, and was told to stay out. An argument ensued and the second offender struck the victim, knocking him to the floor, and kicked him several times in the head, then left. The following day police were called, and the victim, who was unconscious, was taken to hospital.

The victim underwent surgery for evacuation of an acute right subdural haematoma (blood clot). Two days later, he underwent two additional surgical procedures to treat temporal and intracerebral (brain) clots, which had not been recognized initially. Due to the victim's damaged neurological state, he was treated for intubation trauma (insertion of tubes) to the larynx; urinary tract infections and recurrent aspiration pneumonia. He has remained in a chronic care hospital. The neurological damage suffered will necessitate total medical and nursing care for the rest of his life. Medical expenses are currently being covered by medical and pension benefits.

The Board invoked Section 17 of the Act in that the behaviour of the victim may have directly or indirectly contributed to his injury, and gave a reduced award for pain and suffering. The Board found the victim compensable under Section 5(a) of the Act and awarded compensation under Section 7(1)(d) pain and suffering $5000.00 (reduced) payable to the Public Trustee to be used for the best interests of the victim; solicitor's fee $250.00 and disbursements $165.00, for a total award of $5415.00.

200-9215

The applicant was 18 years of age and a part-time apprentice carpenter.

The applicant and three friends had visited a tavern in Scarborough. When they left, another group of four males tried to take some beer from a van belonging to one of the applicant's friends. An argument started, then a fight broke out between two of the males. The applicant and his friends got in the van and tried to leave the scene. The offender opened the door of the van and grabbed the ignition keys. He started to punch the driver and another passenger. When the applicant tried to stop him from attacking his friends, the offender turned and struck the applicant with his fist. The ignition keys were protruding from his fist, and punctured the applicant's temple. While this assault was taking place, three of the offender's friends were smashing the van windows. They then left the scene.

The applicant was taken to the hospital by his friends but did not remain there as the offender and his friends followed them and caused further trouble. The applicant sustained a small hole in his scalp which caused an acute epidural, and a craniectomy was performed. The applicant was unable to eat, speak or move for some time. He was in a rehabilitation centre for several months. As a result of the assault, the applicant was left with partial use of his left arm and left leg only. He also suffers memory lapses. These conditions are considered permanent, and he will be handicapped in seeking future employment. He now resides in an apartment with other brain-injured adults.

The Board found the applicant compensable under Section 5(a) of the Act and awarded maximum lump sum compensation under Section 7(1)(d) pain and suffering $15,000.00 and Section 22, costs to the solicitor for fee $300.00 and to the doctor for his report $226.00, for a total award of $15,526.00.

922-010191

The applicant was 21 years of age and employed as a labourer. As he was walking along a street in Hamilton in the early hours of the morning looking for a taxi, he was

approached by an unknown man. He was asked for a light, and then for money.

The unknown man produced a knife and as the applicant raised his right hand to protect himself, received a stab wound in his hand. The offender then fled. The applicant was taken to hospital where his hand was sutured and he was released. He developed a haematoma which was later removed. Since then, he has undergone numerous tests and three surgical procedures. He is left with a long noticeable scar on his right hand and still experiences occasional pain and weakness. He is right handed. He occasionally suffers pain and discomfort when working.

The alleged offender was never apprehended.

The Board found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(a) expenses $14.00 (travel for treatment); 7(1)(d) pain and suffering $4000.00 and to the solicitor for disbursements $79.80, for a total award of $4093.90.

922-011760

The applicant was 42 years of age and employed as a tool and die maker.

The applicant was driving his car in Windsor, when the offender side-swiped the applicant's car. The applicant stopped his car to inspect the damage which was minor, and the offender did the same. When the applicant asked for the offender's name and address, an argument erupted, and the applicant was assaulted. Two male passengers from the offender's car joined in the assault and the applicant was hit in the face with a beer bottle and kicked about the face and body. The offender and his party then left the scene.

Police were notified and the applicant was taken to hospital. The applicant was treated for multiple injuries to his head and body, a laceration to the upper right eyelid which required sutures and post-traumatic syndrome. Although he obtained chiropractic treatment, he still complains of recurring headaches. He was unable to work for 7 days.

The offender was convicted of assault causing bodily harm.

The Board found the applicant compensable under Section 5(a) of the Act. The Board granted an extension with regard to this application as it was filed after the limitation period. The Board awarded compensation under Sections 7(1)(a) expenses $194.15 (net medical expenses, ambulance, amount over OHIP); 7(1)(b) pecuniary loss-victim $333.60 (loss of income); 7(1)(d) pain and suffering $2000.00; 7(1)(f) other pecuniary loss $25.00 (doctor's report, net loss of income to attend report), for a total award of $2602.75.

922-011933

Publication prohibited and in camera. The applicant is a housewife who alleges that when she was between the ages of 15 and 17 in the years 1967 to 1969, she and one of her sisters (File No. 922-011357) were sexually assaulted by their father, the offender. The matter came to the attention of the Children's Aid Society in 1982 who referred it to the police who conducted the investigation and laid charges. The applicant did not suffer any physical injuries but was diagnosed as having severe general emotional and psychological damage. She received treatment and counselling which is ongoing. As a result of the rape, the applicant became pregnant and gave birth to a child who is cared for by her relatives under the supervision of the Children's Aid Society.

The offender was convicted of sexual assault.

The Board noted this application was granted an extension beyond the one year limitation period and found the applicant compensable under Section 5(a) of the Act and awarded compensation under Sections 7(1)(d) pain and suffering $6500.00; 7(1)(f) other pecuniary loss $18.90; solicitor's fee $400.00 and disbursements $305.00, for a total award of $7223.90.

922-012194

The 23 year old applicant claimed that on an unknown date in October or November he was assaulted in an apartment building in Toronto.

The applicant was unable to supply any further details as to the date or time and police records do not disclose any occurrence other than an assault by the applicant on his wife in October, for which she laid no charges. The Board therefore denied the applicant under Section 5 of the Act.

Former Members of the
Law Enforcement Compensation Board
(April 1, 1968–August 31, 1971)

and its successor

The Criminal Injuries Compensation Board
(September 1, 1971)

Apr. 25, 1968 – May 11, 1972	Judge Colin Bennett	Chairman & Member
Apr. 25, 1968 – Mar. 22, 1972	Robert P. Milligan, Q.C.	Vice-Chairman & Member
Apr. 25, 1968 – Dec. 31, 1973	Fred B. Deacon	Member
Apr. 25, 1968 – Nov. 7, 1969	Gordon Mullen	Secretary
*Feb. 5, 1970 – Feb. 15, 1976	Judge A. Roy Willmott	Member
Aug. 20, 1970 – Sept. 9, 1971	Judge Ian M. Macdonnell	Member
Jan. 1, 1972 – Mar. 31, 1974	Arthur A. Wishart, Q.C.	Chairman & Member
Feb. 9, 1972 – May 31, 1976	Robert C. Rutherford, Q.C.	Vice-Chairman & Member
Apr. 19, 1972 – Nov. 1, 1974	Vincent K. McEwan, Q.C.	Vice-Chairman & Member
Jul. 1, 1973 – Apr. 1, 1978	Shaun MacGrath	Vice-Chairman, Acting Chairman & Member
Feb. 1, 1974 – Sept. 30, 1975	Eric H. Silk, Q.C.	Chairman & Member
Apr. 1, 1974 – Jan. 7, 1975	James W. Wakelin	Member
May 21, 1975 – Jun. 1, 1978	Stuart David Cork, Q.C.	Vice-Chairman & Member
Jan. 21, 1976 – Jan. 20, 1985	Allan Grossman	Chairman
*Feb. 16, 1976 – May 21, 1978	Edward W. Tyrrill, Q.C.	Member
Aug. 3, 1976 – Aug. 2, 1982	Douglas H. Lissaman, Q.C.	Member
Sept. 1, 1978 – Aug. 3, 1984	Nathan L. Sandler	Member
Apr. 2, 1980 – Jan. 29, 1983	D. Arthur Evans	Member

On September 1, 1971, The Law Enforcement Compensation Act was superceded by The Compensation for Victims of Crime Act, and the title of the Board was changed from the Law Enforcement Compensation Board to the Criminal Injuries Compensation Board.

* *(deceased)*